

City Council Regular Meeting Transcript – 08/28/2014 (recessed) and 08/29/2014

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. We'll begin today with the invocation. Please rise. Do we have the chaplain? Oh, here he is.

>> Let us bow. Our father and our god, the one who sits high and looks low, the one who lives and the one who loves each of us, meet us here this day as we gather for public engagement. Come into this place and dwell within our hearts, our minds and our souls. Teach us in our time together to accept one another as you have accepted each one of us. Help us rid ourselves of our numerous ins of this world, intolerance, insecurity and injustice, to name a few, for our sin nature is ever present. Give us the present and heartfelt willingness by the spirit or the power of your spirit to mortify the sins of our members day by day, hour by hour, moment by moment. Have us to remember that when we are weak, ye are strong. When necessary, please urge us forward toward the center, to see and hear and feel our fellow man forthrightly and favorably. Help the ferguson, missouri's of the world. Conquer the hard-hearted with your loving kindness. Hide the helpless from harm. Remind us of the value human life from your unique and everlasting perspective. Help us to be more resolute and useful to your kingdom while we yet live. Give us wisdom from on high just as solomon requested. O god, bless this chamber and all who are within it today. You are the light and the life of every soul and my only source of hope. I recognize others may choose other sources for their hope, but as for me I pray in the name of the once suffering savior who gave it all for us, jesus the christ. Amen.

[02:32:02]

>> Amen.

>> Mayor Leffingwell: Please be seated. Thank you, pastor. It's on. It was on briefly. A quorum is present so I'll call this meeting of the austin city council to order ON THURSDAY, AUGUST 28th, 2014. The time is 10:05 a.M. We're meeting in the travis county administration bui 700 lavaca, the commissioners court. I'm not sure the mic is on yet. Test. Could you crank up the volume a little bit? This one is not working at all. All right. This one is on. So beginning with the changes and corrections, item number 10 is withdrawn. Items number 25, 80, 139, and 156 are postponed to SEPTEMBER 25th, 2014. Item number 33 is withdrawn. On item 83, delete as a co-sponsor councilmember william spelman and add as a co-sponsor councilmember mike martinez. On item number 93, add as a second co-sponsor mayor pro tem sheryl cole. Item 139 is postponed until october 23, 2014. On item number 140, delete the vote count 8-0-0-1 and add 7-0-1-1 vote with commissioner norte abstaining and commissioner brian roark absent. On items 146, 147 and 148, add the phrase august 26, 2014, approved by the planning commission on an 8-0 vote with commissioner shimente absent. Our time certain items for today, at 10:30 we'll have a briefing on the magistration center. At 12:00 noon we'll have our general citizens communications. At 1:00 p.M. We will have the bond sales item will come up and that will be a hard time certain. At 1:00 p.M. We will recess the meeting of the austin city council and

convene a meeting of the mueller local government corporation. At 2:00 p.M. We'll take up our zoning matters. At 4:00 our public hearings. And at 5:30 we'll have proclamations. There will be no live music today. The following items are pulled

-- the following items are the consent agenda, items 1 through 97, plus items 151 through

-- this may be a typographical error, 154. I believe it's more than that. Items 151 through 158. Is that correct?

[02:36:11]

>> Uh-huh.

>> Mayor Leffingwell: And item number 79 will remain on the consent agenda. These are appointments to our boards and commissions and I'll read those into the agenda. To the hispanic latino quality of life resource advisory commission jose velasquez is councilmember riley's nominee. To the ethics review commission sylvia hardman dingle is mayor pro tem cole's nominee. To the sustainable food policy board, alexis simon is mayor pro tem cole's nominee. To the early childhood council, rita mitra mayor leffingwell come knee. Laura tubes is councilmember riley's nominee. To the commission on immigrant affairs, mark hand is councilmember riley's nominee. To the austin-travis county integral care board of trustees, robert chapa jr. Is mayor leffingwell's nominee. Requesting the following waivers, a waiver of the attendance requirement in section 2-1-26 city code for the service of luke metzger on the resource planning commission the waiver includes absences through today's date. Approve a waiver of the attendance requirement section 2-1-26 of the code for the service of margarite desierto. On the community development commission includes absence through today's date. Approve a waiver of the attendance requirement section 2-1-26 of the city cod the service of tyler zicker and approve a waiver of the residency requirement in section 2-1-21 of the city code for the service of arita mitra on the early childhood council. Those are our nominations and waivers for today. Mayor pro tem cole.

[02:38:16]

>> Cole: I also want to postpone item number 81 for some letter edits today. I think

-- later edits. I think it will be just after our briefing, which is the urban forest plan.

>> Mayor Leffingwell: So we will pull that item from the consent agenda and you can propose a postponement.

>> Cole: Not to postpone it, we will hear it but there will be a few corrections.

>> Mayor Leffingwell: Okay, we'll just show it pulled from the consent agenda. So the following items are pulled from the consent agenda, items 2 and 3 by councilmember morrison. Item 38 will be pulled and heard later as it's related to an item 141 public hearing. Items 41 and 88 are pulled by councilmember morrison. Item 75 is pulled to be heard later along with the item number 148 public hearing. Item number 81 is pulled by mayor pro tem cole. Item 149 will be set for a 7:00 p.M. Time certain. That's by previous council action. Items 151, 152, 153 and 154 pulled by mayor leffingwell. Items 155 and 157 are pulled by councilmember spelman. And -- excuse me, that's item 155 and 158. And item 157 councilmembers riley and martinez have asked a 7:00 p.M. Time certain for this item. The following are pulled off consent for speakers.

Item number 20, item 31, item 32, item 81, and item 84. So that is the consent agenda for today. We do have several speakers signed up to speak on the consent agenda. The first is paul robbins.

[02:40:25]

>> Mayor?

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: On item 49, I would like to request a hard time certain of p.M./?Txu. 7:00 p.M.

>> Mayor Leffingwell: Correction on that item pulled for speakers, it's item

-- I'll read those items, 26, 31, 32, 81, and 84. Councilmember martinez.

>> Martinez: Yes, on item 149, just requesting a hard time certain of 7:00 p.M.

>> Mayor Leffingwell: Councilmember martinez is requesting a hard time certain of 7:00 p.M. On item 157. This will require a second. Is it 157?

>> Martinez:149.

>> Morrison: Second. That's the holly plant.

>> Mayor Leffingwell: That's a second by councilmember morrison. All those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. Councilmember morrison.

>> Morrison: Just a query. Do we have any other time certain we've set? 157.

>> Morrison: And what's the time for that?

>> Mayor Leffingwell: 7:00.

>> Morrison: Can we give indication what comes first. 157 is not

-- sorry, mayor.

>> Mayor Leffingwell: With the vote for the hard time certain, item 149 would come first.

>> Morrison: Thank you. Okay. So speakers. Paul robbins. Not here. Becky halpin. Becky halpin. David king. David king.

[02:42:31]

>> Good morning, mayor and councilmembers. Thank you for the opportunity to speak to you about these items. The first item

-- my name is david king and I live in the zilker neighborhood. The first item you want to speak about is the code amendment on barton springs spillway. I support this resolution and hope that we're able to allow dogs to continue to

-- people with dogs to continue to use that area and for it to be allowed for swim also to be allowed in that area. Dogs owners in my neighborhood and barton hills neighborhood walk their dogs to that area and they really enjoy that. Dogs need a cool place to

-- some water to cool off in the hot days and it's very convenient for the neighborhood. Number 85 regarding the study to decrease the time to review and complete service extensions, I think the developers should bear the cost for the additional staff to process and implement the service request and assessment of need for additional water and wastewater is essential and should not be eliminated in the name of expediency. The homestead exemption number 86 is a good start and we should support that. The number 89 to expand amanda system, I think we

should include anc as a stakeholder in that review of that system. And then we need to know what changes to the ldc and the permitting procedures that zucker will recommend and will those recommendation be voted through the code the next process. 97, metered parking for minimum requirements. The parking commission unanimously voted against this item. It doesn't make sense to open up these meter parking spaces in an area where we don't have sufficient mass transit infrastructure. It's just going to create more havoc and it should not be to make it painful for them. That should not be the strategy. I hope you will following the planning commission's recommendations and not support that item. Regarding number 92, the parking enterprise plan, I hope that this is not going to lead to an increase in parking fees and the emphasis to be placed on metering more of our streets just in the interest of generating profits for this private entity to start managing the -- our parking facilities for the city of austin. Thank you very much.

[02:44:51]

>> Mayor Leffingwell: Councilmember morrison. Tovo.

>> Tovo: Mr. King. Mr. King talked about the parking meter item and I thought that had been pulled from the consent agenda. Can somebody

--

>> it's number 97.

>> Tovo: Mayor, is that on the consent agenda?

>> Mayor Leffingwell: Yes. Item number 97 is, yes.

>> Tovo: Okay. Thank you. Gotcha, just to set a public hearing. Okay, thank you.

>> Mayor Leffingwell: [Inaudible] vega.

>> Regarding item

-- regarding item 26, I like our work and I support our program but I think 1.2 million is excessive for our work. I know that 2% of every c.I.P. Project is dedicated for arts but I would like to suggest there be a cap. And once you reach the cap the rest of the money be used for other priorities. For instance, maintaining [inaudible] streets impacted by the c.I.P. Project. Not referring to planting new trees but for maintaining old ones because they are the work horses of the for rest. For animal shelters, homeless, put a cap on it. Number 84, gender neutral occupancy restrooms, I support that but wanted to clarify that doesn't mean you are going to be taking restrooms away from women. If there's a building and there's a restroom single occupancy for women and one for men for both or either because that means women will have less restrooms. I particularly do not like to go to a restroom that was occupied by men. Men are oblivious and not as fastidious as women so please clarify the language. Thank you.

[02:47:09]

>> Good morning, council. Michael fosom. I would like to say I support ms. Vega's comments. Also item number 26 in the backup it says the council approved 85,000 for the artwork in 2013 and how did that go to 1.2 million. Perhaps I'm mistaken on that. And so that's all. Thank you very much.

>> Mayor Leffingwell: Those are all the speakers I have signed up to speak on the consent

agenda. Bill bunch, excuse me, one more, bill bunch.

>> Good morning, mayor, councilmembers. I'm bill bunch with save our springs alliance. I was here really just to support item 89 and 91 and say just a few words about those. The resolution 89, the amanda system expansion, I really appreciate you all moving this forward. I just wanted to strongly encourage you to have the direction to council in working on that expansion to include citizens. Right now the system operates where the staff posts things, the applicant can sign up and be a registered user and post things, but neighbors, neighborhood alliances, concerned citizens can't sign up and be a registered user and post their comments. And I really think if we had that function people would do that. They would have to register under their own name, give their address so you know it's a real person and what their direct interest is. And both the staff and the applicant would get that information more quickly, more readily, be on record. People could see it and know what the community's concerns are. And I think it would help the process be a lot more collaborative rather than essentially what quite often happens is the neighbors don't get involved soon enough because it's difficult and challenging. One neighbor might not know what the other neighbor's concerns are, the other group's concerns are, and by the time they get their information together and get it in the process, both the staff and the applicant has spent a huge amount of time going on a certain path. And at that point you're the unwelcome guest arriving late to the party. So please expand this system to have a function where you can post your comments on there, have your name be identified, your address and so that it's a three-way discussion, not just a two-way scruggs that we have right now.

[02:50:09]

-- Discussion we have right now. On 91, the oak hill y resolution, thank you for moving on that. It's an excellent resolution and we need it very much. Thank you.

>> Mayor Leffingwell: Those are all the speakers that we have on the consent agenda. I'll entertain a motion. Councilmember spelman moves approval. Seconded by councilmember martinez. Mayor pro tem.

>> Cole: Mayor, I have a comment on the item with the amanda system, it is the full

-- my full intent as the lead sponsor of that that we do have citizen input and I want to give that direction to staff as they bring the recommendation back. And I thank mr. Bunch for his comments.

>> Tovo: I would like the record to have me voting no on number 100. And then I would also like to pull 11 and 12. For a quick

-- a few quick questions of staff.

>> Mayor Leffingwell: I believe item 100 you will have to request that

-- that is not included in the consent agenda.

>> Tovo: Oh, I'm sorry.

>> Mayor Leffingwell: I will show items 11 and 12 pulled by councilmember tovo and the clerk will show me voting no on item number 95. Councilmember spelman. If the court could show me recused on item 83, I would appreciate it.

>> Mayor Leffingwell: Show councilmember spelman recused item number 83. All in favor of approving the consent agenda say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. So we go to items number 2 and 3 and before we go to speakers, councilmember morrison.

[02:52:12]

>> Morrison: I'd like to just go to speakers if that's all right.

>> Mayor Leffingwell: First speaker is dustin fidako.

>> Good morning, mayor, council. Thank you for having me. My name is dustin fidako, co-ponder and c.E.O. Of the compost peddlers. We are an organic hauler in austin, texas, been operating for over two years. We collect organic waste from homes and businesses and view deliver it to nearby farms and gardens to grow more food. We partner with and support over 30 farms and gardens include community gardens, school gardens, church gardens, et cetera and supply them with a free source of natural fertilizer to grow more food for our city. I'm here to propose that we table and defer items 2 and 3 today as we believe they require a closer examination, namely in the language surrounding private entities' ability to service single-family homes. The zero waste advisory council had proposed language that was later stricken by -- by city staff and we've been working closely with bob getterd and austin resource recovery and bob is not against deferring this

-- these two items as we work closely through them to come to an amicable solution. So we have a meeting on the books for next week and over the following weeks and we feel confident that we can come up with the language that, you know, is mutually beneficial I'm sorry I didn't bring this up with me. Right. It's the language specifically referring to servicing single-family homes and

-- yeah, so requirements for private solid waste collection. I'm sorry, I don't have the

-- here we go. Okay, so on 5, vehicles hauling medical waste, liquid waste

-- I'm sorry, no 4. Right, including private collection service that hauls refuse from single-family residences.

[02:55:36]

>> Spelman: Which section? 15-6-41. Number 4.

>> Spelman: I believe I'm working with

-- are you talking about the ordinance in section 2 or part 3? Item 3?

>> Part 2 currently.

>> Spelman: Part 2. I may have an old

-- give me the reference for the ordinance if you could and I'll see if I can match it up against the ordinance. 15

--

>> 15-6-41.

>> Spelman:41. Which subsection? 4.

>> Spelman:4. Gotcha. Thank you.

>> Mayor Leffingwell: Do you have more comments, councilmember? Next speaker is michael whalen.

>> Michael Whalen on behalf of Texas Disposal Systems. We would respectfully request a postponement of this item until the September 25th meeting and have it returned to the Zero Waste Advisory Commission. The biggest concern we have is Austin Resource Recovery staff unilateral decision not to forward to you until late yesterday afternoon the SWAC recommendation and the reason that was so disconcerting, ZWAC had spent three meetings discussing this language. The language was finally published to you in a memo from Mr. Gettered and it's items 11

-- 15-6-11 and 15-6-13 which are not in your backup material for consideration. So that was the concern we had and specifically there was a nine-month stakeholder process that reached consensus concerning this type of language so that the status quo, which is residential cart service is done by the city and noncart service is being done by private haulers throughout the city. Councilmember Spelman, it's 15-6-11 and 13 were the provisions that are not in your backup that ZWAC had recommended. Those are the provisions we were concerned about.

[02:58:10]

>> Spelman: Mayor, may I? So the ordinance before us is revised staff version which as I understand it has already taken out those sections about which there's still disagreements, and we only have, as I understand it, parts of the entire ordinance which always there is consensus.

>> Yes, and the concern we have is taking them out doesn't

-- the whole thing really was done as a package after a nine-month stakeholder process. And in fairness to everybody that spent countless hours with staff working on a consensus, we don't understand why it was okay for legal in April and May to present 11 and 13 to ZWAC and now all of a sudden it's being taken out. It's under we think an inaccurate legal position that arr staff has taken and which we believe more time is necessary to explain to ZWAC and then obviously we will further brief it more thoroughly than you've already seen in an email to me saying there has been no unauthorized delegation of police powers. Your police powers are to appropriately divide waste and you can control all the waste stream, residential and commercial, or as staff has repeatedly told you publicly, they will be responsible for residential and they will let private haulers do commercial. All the language in 11 and 13 did was try to make that clear that that de Lynnation was going to be preserved. And I think in fairness to all the hours spent, you know how a deal works, you get a deal together, a consensus deal together, you expect it to be brought as a package and it should be brought as a package.

>> Spelman: Although I see your point, I'll ask in Gettered about this in a few minutes.

>> The reason I would be concerned about voting on it now and not postponing it as a package, you are letting one side win. You are letting staff win by getting what they wanted done and kicking aside the private haulers who had worked with staff on consensus language expecting a package done. Because what will happen is they will kick the can down the road and it will be left for January, February, March, they said it in their own memo to you yesterday and we'll find ourselves with nothing ultimately.

[03:00:22]

>> Spelman: I see your point. Thank you, sir.

>> Mayor Leffingwell: Next speaker is adam gregory.

>> Good morning, mayor and council. Adam gregory with texas disposal systems. We respectfully request a postponement of the entirety of items 2 and 3. Was not part of that mainly because there was no language being discussed to our knowledge that would be directly impact 68. Impactful. In the memo yesterday the language was being cited about basically making a substantive departure from services provided by the city right now to changing that does become very problematic for members of the association. It's been our consistent position that maintaining city services as they are currently provided is important and any discussion before changing them is also important. The city serves in a competitive -- on a competitive basis in some situations and at other times serves as a provider of last resort. And so discovering that this could be entertained as part of the package before you essentially what we see as a substantive departure from the licensing process is concerning. And so if you have questions about that policy, I would be happy to answer, but, again, this is something that sort of came to my attention late yesterday and I just wanted to let you all know that changing those services is a bigger deal than what we realized was happening in the licensing process, per se.

[03:04:23]

>> Mayor Leffingwell: Thank you. Those are all the speakers. Councilmember morrison.

>> Morrison: Thank you. I would love to hear from staff if mr. Geddard could come up. Could you give us your perspective on what's going on here and particularly do you have an issue withholding off for a month and trying to pull together these comments?

>> I support a postponement. My memo indicates a preference towards passage of the noncontroversial parts of the hauler registration program so that austin code can implement the registration program, and that's what's submitted before. What I have omitted from your discussion and your packet is the controversial parts of section 11 and 13 for further discussion among the stakeholders. There has been no active stakeholder process that -- regarding the tds proposed language. There has been hauler discussions on the hauler ordinance sections and revising the hauler rules and so forth, and during that discussion this language was brought up. I objected to this language at the may zwac meeting, I presented my memo, and also objected at the august zwac meeting as well. I believe if there is a move to restricting city services, the affected owners should be part of the discussion and they have not been invited at this stage. I would like more time to discuss that with the stakeholders.

>> Morrison: Okay, and so you are actually saying you would like what you think are the noncontroversial items passed today.

>> Yes.

>> Morrison: The flip side is

-- and there's concern in the community about that, is there any significant impact on your work if we do hold off and postpone these two items?

>> No significant effect.

>> Morrison: Okay. Thank you. Mayor, if there are no questions, I would move to postpone these two items to SEPTEMBER 25th.

[03:06:28]

>> Second.

>> May I ask for a postponement longer than SEPTEMBER 25th? For stakeholders meetings.

>> Morrison: I would be happy to suggest that.

>> Mayor Leffingwell: Suggest a date.

>> I would like to suggest a november date so we can have some stakeholder meetings.

>> Morrison: Absolutely. And I just pulled out my handy dandy little calendar so what's your choice, the 6th or the 20th?

>> Either would be fine with me.

>> Morrison: Let's go with NOVEMBER 6th.

>> Mayor Leffingwell: Motion by councilmember morrison to postpone this item number november 6. Is there a second? We changed the motion. Seconded by councilmember martinez. Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. So now we'll go to our briefing on the magistration center.

>> To you mind, mayor, if we [inaudible]?

>> Mayor Leffingwell: Be my guest. Don't want to wear you out. Does that mean you are going to be a long time? [Laughter]

>> good morning, mayor and council. Thank you for the opportunity this morning. Let me just get organized for a second and we'll get going. But I am 50 now, sir, so with my aarp card, I have to sit down more often.

>> Mayor Leffingwell: We understand. I do understand myself.

>> Sometimes I think it's dog years. All right. Brian manly, assistant chief. What you are going to see before you and this presentation is really a briefing to the council on the history behind our magistration process, where we are at when we started it, where we're at today and what we believe through this proposal for your consideration is what we can do to make the process cheaper for the people of austin, but more importantly really create some efficiencies afree up patrol hours for our officers. When we started this process and agreement many years ago, the city was much smaller, the population much less, so geographically, population, everything has changed since that time. This briefing today doesn't require any action from you all other than digest it. I'm sure you are going to have a lot of questions. Some of them we won't be able to answer them but we'll diligently work to answer them and for future consideration. Do you want to do this thing? First, what is magistration? Magistration is mandated under texas criminal code of procedures, article 15.17. It requires that a person arrested by a police officer is brought before a judge for the initial hearing and it has to be done so without delay. The magistrate is required to review the arrest to ensure there's probable cause for the arrest, that the arrestee is provided with their miranda warnings, and if appropriate that bail is set. It can be done in person or video conference. Translators are required under the section and it must be conducted no later than 48 hours. In other words, within 48 hours you have to either magistrate or release somebody. We have a flow chart that really I think can help us digest and understand the process. Top left, that's the city of austin makes an arrest. Moving the arrow to the right, the officer that today arrests that individual transports them in a city police car or in a

transportation vehicle downtown to the travis county jail. At the jail they are booked and the booking process entails fingerprinting photographs and intake paperwork and medical screening. These are all city responsibilities. Once they are booked in, there is a magistrations process, and again which is required by law, and what happens there is that we have to again find probable cause for the arrest, miranda warnings administered and a bail hearing and bail is set. Sometimes personal bond, sometimes cash. You see that red line right there, we put that there just to put a solid, hard delineation between the city's response built under the law and then the county's responsibility. After the person is magistered, state law requires the counties throughout the state of texas to take possession or custody of the arrestee, and at that point under state law becomes a 100% responsibility for the county. Part of the process that occurs at that point is the pre-trial services, and the pre-trial services, an evaluation is made to see if the person is eligible for personal bond, determine whether they are indigent or not and county clerk direct filing can occur as well. Once that occurs, then the person is either detained in jail, depending on the severity of the crime, for example, a murder suspect probably will not be getting out on bond. They will remain or a person that's wanted in custody for a very aggravated circumstance. You have a pre-trial and then a trial. If they are released, they either get bonded or they pay bail. That's in essence the process. Now, one of the things I do want to point out that you will see the hard line in red, that the pre-trial services is a county responsibility and in our current agreement we actually pay for the pre-trial services as well. Now I'm going to turn it over to

-- actually I'm going to do one more thing. Let me give you a quick overview. The city of austin operated its own booking magistrations facility that was located in our current headquarters on 7th street until 1985. In 1985, we entered into agreement with the travis county sheriff's office to take over the operation of our booking facility. As you think back to 1985, jail space was an issue, the economy probably wasn't doing all that well so we were looking for opportunities to do business differently. It was still housed at a.P.D. Quarters in 1987 when we entered the interlocal agreement where we took our prisoners to tcso for booking. The city provides magistrations identification kerr advises to all arrestees brought to the county jail. In 1997, the city

-- this is really important because in 1997 the city was 222 square miles and the jurisdiction today is 320.9 miles and growing. Imagine traffic back in the days, 1997 and traffic today. Imagine the geography and imagine the population. The population of austin has grown by 66% since 1997 from 567,566 to our current official number of 865,504. These numbers don't include the large number of people who regularly come to austin obviously for entertainment, work and educational purposes. Additionally I would like you to consider the current model calculation is based on direct costs. One of the things we entered to a few years back is a true-up agreement with we actually are paying for the actual costs based on the number of bookings. I believe that when this

-- when you take into consideration the travel time that it's taking right now with this huge county and all of our bookings come to one location. And when you will see with this presentation this is an opportunity for a model that will free up officers' times to deal with that really critical shortage of uncommitted time on patrol of 15%. We believe that we will see some budget savings, budgetary savings to the taxpayer, and officer morale will be greatly increased and lastly customer service. The sooner that we can book somebody, get them magistered and

book them into a location, the sooner we can get our officers back to responding to the calls for service from people of city of austin and I think at the end of the presentation you will have a lot to digest and we'll be getting a lot of questions today and look forward to answering the questions and with that I'll turn it over to chief manley.

[03:15:15]

>> Good morning, mayor, council. What you will see on this next slide, just to put things into perspective, is where we book our prisoners now at the travis county booking facility. What's of importance on the bottom right of that picture, the large green door is the intones into the sally port and the officers pull into there and the bore closes and they can actually take the arrested individual into the booking facility. We are

-- we do not by agreement get prisoners out of the vehicle and walk them into the center for security reasons for the neighborhood. We only do it within the confines of this facility once the doors are closed. The reason why that's important to note is that this is what the parking garage looks like on the inside. As you can see there, there are seven spaces for vehicles that are off loading prisoners, and then in the back you will see a few more cars parked. That's where the transport advance for the county normally sit. If we're fortunate and the vans aren't there, we can have a few more spaces. Why this is of importance is this picture was taken on monday night at 8:30. All of the spots were full. What that leads to frequently during the busier times, evenings, weekends, is what exhibited on this next slide. These are a line of patrol officers, each one having an arrested individual in the back seat, again, waiting to get inside the parking garage so they can off load the prisoner. As you can imagine, we lose a lot of productive time with our officers that are queued up waiting to get into the facility to off load their prisoners. And again, this is something that that we see routinely in the evenings and especially on the weekends. Now, the chief talked about the

-- some of the expense history and some of the current costs. So some of the issues that we have with the current model is the county since it is a part of their jail has to meet jail standards. Our proposal for a magistration booking center would not require that because it's not a jail, it's not for long-term housing of

-- of those arrested. And so that allows us some efficie that the county does not take

-- we can actually recognize cost savings not available to the county. We've been

-- we've been involved in this contract now as the chief said for many years and we've seen th costs grow from 2.8 million back in the late '90s, EARLY THOUSANDs, Up to the current 6.3 million so we've seen some significant cost increases over the years and again we're just trying to be as responsible as possible for

-- for our tax dollars. The interesting to note, we are actually the only agency that books into this facility that pays for those services. There are other agencies that book into the travis county booking facility. You've got the d.P.S. Books there, some of the small other agencies in this area also book. However, they are not charged for those services. We are the one agency that pays. There are also, as the chief mentioned, that hard red line where magistration ends and county responsibility begins and the chief mentioned the issues with pre-trial services and county clerk responsibilities. We actually pay a portion of those charges under the current cost modeling that we have with the county. And under the proposal that we would have if we

opened up our own center, we would not incur those costs. I mentioned briefly when I showed the slide with the vehicles leaned up in queue the amount of lost time. We did a study in June where we added extra codes to the in-car computers for our officers and we had them log the time that they actually arrived at the jail and then we had them log the time when they left the booking facility. So we captured from the moment they arrived to the moment they left to go start their report writing. This included the time they would have spent in that queue waiting to get in and the time once in the facility booking the prisoner, and we had over 1500 records during this time and the average time spent was 58 minutes and 12 seconds. And so, again, we believe with

-- as I talk about our proposal here shortly, that the model we have will allow us to recapture a lot of this lost time and put that towards the officers back in the neighborhoods, doing community policing, helping with uncommitted time issues. So that's another item that we wanted to look at. And then lastly, the overtime initiative. One of the things that we've done to try and work with the current model and the current challenges that we have is we've got an overtime initiative in place where we are actually hiring one of our sergeants and four officers on Fridays and Saturday nights to work inside the county's booking facility. And so we're in addition to paying the contract for services, we're also paying overtime to our own officers to work within this facility, again trying to expedite the process and trying to cut down on the time the officers are spending in queue waiting to book and that process costs an estimated \$270,000 a year if we just do that Friday and Saturday nights. And obviously if we were to choose other nights to realize efficiencies, it would come with increased costs. If we did it every night of the week, it should be just short of a million dollars to run for the full year. This next slide is the historical slide to show you where we've been in our contract with the county. Going back to 2002, we started at 2.8 million in 2002, after over the years we've risen to the current 6.3. What's important and what we took into consideration is the percent increase per year. As you will see to that center. The officer completes the paperwork there, turns the individual who has been arrested over to individuals that will transport them and then immediately returns to duty back in the entertainment district. Again, trying to be as efficient as possible with what we have. And then the last on this slide you see is the overtime initiative and I've already discussed that just trying to maintain the efficiencies within this model. Now on to what it is we're proposing. We're proposing to open up a booking magistrations facility, as the chief mentioned earlier, we have done this before with a facility that's in our current headquarters and we're looking to return to a model that was similar to that. If approved, this current design is a 18000 square foot facility located in the city owned facility on Rutherford Lane. This is a mostly industrial neighborhood. There are

-- there are neighborhoods nearby, about a mile away, the Heritage Hills neighborhood, but the immediate area around this facility is mostly industrial and we've reached out to these business communities and had conversations and there's not been

-- there's not been any concern from their perspective. The facility itself has, as proposed right now, would have five multipurpose cells, three ice lock cells, one public intoxication cell and a bullpen. The bullpen concept familiar with what Travis County currently does and what that would be would be open space in the center of this facility. The actual cells would be along the outer walls. The inner portion would be a seating area where the majority of those arrested would simply be sat down and just handcuffed to that bench. They would never be placed

inside a cell and they would be under the constant surveillance of the individuals working within this facility. Again, this is similar to what's being done at the county, but then we'll have cells available for those individuals who may be violent at that moment or for other reasons need to be in a cell. The design has the ability to segregate male prisoners from female prisoners and then in complying with some of the standards under the prison rape elimination act, things of those lines the ability to segment out those that are 17 years old from the rest of the population. We think our current design is a facility that will meet definitely our needs not only today but needs going forward as well as some of the regulations that we will choose to adhere to even though we may not have to because we don't have to adhere to jail standards. The other point that you'll see noted here is the transport van program. One of the things that we will be proposing is to operate a transport van system whereby we will have officers -- not officers, these will be armed transport officers, not commissioned police officers, but civilian employees. They will operate these vans and they will actually go out into the north and south parts of the city and an officer making an arrest can bring that arrested individual directly to the transport van, complete the minimal paper work for booking there and then go immediately back into service. And then once the transport van has either been there for a long enough period of time where we need to bring these people to the facility to get them out of handcuffs and a not comfortable environment or if they have other individuals in the back of the van they will transport to the magistration center. We believe this to be more efficient that will allow for us to capture as much productive time of our officers. There will be times when officers are going to travel to the magistration center, but during our peak hours we would have this program up and running full time. And I mention that these will be licensed civilian armed transport officers that will undertake this -- this. And then the other issue will be the detention officers themselves will be civilian employees. Again I mentioned earlier that some of the -- some of the opportunity we have to be more efficient is because we don't have to meet certain standards that Travis County does because they are officially a jail since they house prisoners there. So we don't have to employ licensed jailers. So we will do as many models do across the state and we will have civilian employees that will be trained up to that level, but don't have to maintain that certification and so we will have some efficiencies. Yeah. So again, and one of the things I guess I was mentioning the transport van program and the efficiencies and I said about going to the north and south part of the city and the importance of that. And to put that in perspective, if we were to imagine an officer making, say, a shoplifting arrest in the northwestern most part of Travis County out there towards 620, you know, on really any evening, Wednesday, Thursday, Friday evening, 4:30, 5:00, if they make that shoplifting arrest we have just lost that officer for two and a half to three hours by the time they drive through Austin traffic to the current facility downtown. They go through the booking process and get back into their neighborhoods. So we think there's some real efficiencies with that.

[03:29:13]

>> And I just want to add one thing about the jail standards issue. Jail standards is designed for facilities that are going to have long-term prisoners that are going to be incarcerated in the facility for an extended period of time, whereas a magistration center is a temporary holding

facility for processing. Although we don't have to meet jail standard, we're going to use it as guidelines especially as relates to staffing in terms of ratios and medical care for the people in custody. So

-- but it does give us an advantage that we're not a jail and we're not proposing to operate a jail and so since we're not attached to a jail we can staff it in a manner that is much more cost efficient because it will be a stand-alone magistration center not connected to a jail.

>> And the chief mentioned the medical cone pone went. There will be medical staff 24/7 and we have worked out with e.M.S. Person fell able to provide any medical care that might become necessary. On the next slide is just an aerial view of the rutherford campus. I believe most of us are familiar with this. What's of importance to note here is the

-- the industrial conditions of this neighborhood. Again, there is mostly industrial use within the immediate mile range of the facility itself. But then more importantly there's also a capital metro bus transfer center located right across the street, rutherford at the walmart complex there. This is not just a bus stop but this is one of their transfer centers where individuals would have access to get to any part of the city. Again, that was important so that individuals that leave this facility would have the opportunity to immediately access public transportation whether it be capital metro, taxi cabs or the like. If they are not already getting picked up as most people would by individuals that are there for them. So here is what we're looking at as far as the cost of this facility. The first slide is the estimated first year costs. There's two components to this. The one-time estimated construction cost, as you'll see there is 5.6 million and that is actually the construction of the facility and that is all of the equipment that will go in the facility. That is the

-- that is everything from the computers on the desk tops to the jail doors to the prisoner transport vans to the evidence holding bins. This is

-- this is the cost to actually walk into this facility having it prepared to be operational for us.

And then the estimated annual costs will be the costs to actually run the facility. That will include things like the salaries, the rent for the facility, services along those lines. So we'll get a little deeper into the cost breakdowns on the next couple of slides, but wanted to see that the first year investment in this program is the 11.3 million, and again, that's because of the construction costs and then the

-- the actual estimated cost to run the facility. Keeping in mind the first year we were under construction we would still be in a contract with travis county so we would be paying the contracted amount to travis county while we're incurring the cost of building this facility. This is just a further breakdown of the numbers as the year 1 cost summary. The largest chunk is staffing 4.3 million and that is the individuals that it would take to operate the jail itself. The detention center. These will be detention officers, armed transport officers who will bring prisoners back and forth, personnel from municipal court who would have to be present to handle these operations. It is the medical staff. This is everybody that it would take to actually operate the facility. Then in addition to that you've got broken out some of the other personnel, medical staffing and other operational costs. And what we see is the increased cost as we said, the first year cost is the 11.3 million.

[03:33:37]

>> And I would break out down, total construction costs breaks down to 4.169 for the actual construction, 795 for the vehicles and equipment, and the technology piece is about \$678,000. That gives you an idea what the actual cost is per each phase of the construction.

>> Can we go back to the presentation?

>> [Inaudible].

>> Okay.

>> Not looking too good right now.

>> Do you all have copies in front of you? Would you like me to keep going?

>> Mayor Leffingwell: Keep going.

>> We're on slide 17 now looking at the cost savings. What's important obviously is we're telling you this is going to be cost efficient for the city and this is consider we believe it will be cost efficient for the city. What we've done is we looked at what we would expect to our cost increase if we stay in a contract with the county. Again, that's based on a 6% increase as we discussed earlier. What we've seen over the past five years is 6.7 and over the past ten was that 8%. Again being conservative in our estimates, we estimated 6% going forward. We then estimated what a.P.D.'S cost would be. What we did is we took the costs we put together for year 1, everything we just talked about, salaries, rent, equipment, and then we applied what we would expect to be our increases over the year. The average salary increase for city of austin civilian employees over the past ten years has been 2%. When you take that over a ten-year spread. And so we applied that to our salary base and we said that we would expect that if it's been that way the past ten years, going forward we could expect on average to see 2% increases. There will be some higher, some lower we would expect. We applied that to all of the staffing across the board. We looked at some of our high ticket items that we know are going to have a life spanish so we built in that every third year we're going to need to replace the technology in this facility. Every fifth year replace transport vans because they all have a serviceable life. To give you back drop on how we worked with our financial staff to develop these numbers, that's where we change from. On the right is what we project as far as our break-even point. With all projections holding true, we would look for this to break even at that five-year mark where we will have actually recouped the construction, the one-time construction costs and then at that point going forward we would expect with the efficiencies that we can recognize that the county cannot along with other issues with the contract that we can do it for effectively, affordable and that's where you will see the savings. You will see the savings grow. And in this projection, taking that all into a cost after ten years, the projection would be for a savings of \$15 million. Then the next slide is just simply a graphical representation of what we're presenting to you today as far as the cost growth. Obviously the top line is if we stayed in the contract with the county. What we would expect with a steady 6% increase. And then if we went with our own center, what you will see with the actual increases and that's why every once in a while it's not a steady increase because that would be the years we might incur a more significant increase due to replacing capital items within the program.

[03:37:09]

>> If I could just, again, it's important for the council and also for the folks that are watching, we have been discussing this with the county and working on this proposal for actively probably for

the last two and a half to three years. And the issue of the booking when I got here in 2007, we actually had a department at that time had a retired commander looking at going back -- the potential going back to the model we used to use. This is nothing new. This is something we've done before. And it would -- and where that would make sense. We really believe when you look at this, we did an analysis internally of the productive work time. I think that's really huge. Trying to get more time for our officers to be out on patrol, more time to meet and greet folks, but for importantly time to disrupt crime and keep people safe. We believe that this model we would be able to increase or return about 50 to 1,000 hours of real hours for our folks because of the booking model, that they can actually go out and actually work patrol. So we think there will be a significant increase in uncommitted time. We will be able to eliminate the need and it is an actual need for to overtime initiative to just run two days, keeping in mind thursdays are starting to become almost as -- actually are becoming almost as busy as fridays and saturdays to do that initiative just two days a week is 275,000, we're actually thinking we may have to add thursday nights to free up some officers so that you can expect that to increase by another 134,000. And on top of that to do it seven days a week if we got to that point is almost a million dollars. We would be able to eliminate that. We project, again, and the projections are based -- the only way to come up with projections is looked on data happened in the past. But we project based on what's happened in the past five to ten years we'll be able to recoup the cost by year 5 and project we would be able to save taxpayers about \$15 million. And whether or not that goes down, it's still -- I'm willing to bet about anything we will see a significant savings at the end of that 11 years. Morale is a huge issue for our officers. They really want to be out protecting people and that 58 minutes just sitting at the jail, not covering, for example, that example up on 620 and 183 that they are spending three hours to book somebody will be huge. And the most important piece for me is the service to this community. We have a community that demands excellence, deserves excellence. I really believe the people that we arrest deserve to be getting out of, taken out of that patrol car sooner rather than later and not sitting in that sally port outside the sally port for a significant amount of time with handcuffs on. They are very uncomfortable so the service will not just be for the community but for the suspects themselves. And lastly, again, it's important for folks to understand we're not asking for any action today. There's a lot to digest and what we're asking is that you consider it and we look forward to your questions today. I'm sure we're not going to have all the answers and whatever answers we do not have we'll go out and get them for you.

[03:40:35]

>> Mayor Leffingwell: Questions? Councilmember martinez.

>> Martinez: Thank you, mayor. Chief, thank you for the presentation. I think there's certainly compelling data to consider this, but I want to start with the one-time hard costs of construction. And is your request or is your proposal contemplating that come out of the general fund in future budgets?

>> Yes, that would be our proposal or request it would come out from the general fund. Now,

it's important to note that it's a 12 to 18-month buildout so we may be able to do that in, you know, two separate budget years, if that makes any sense. Aggressive would be 12-month buildout and more realistic could take up to 18 months.

>> One of the things we did with the 2006 bond package was, if you'll recall, we moved forward with the new animal service center in east austin and then we were about \$4 million short. And so we looked into the 2006 bond package and took the interest from those bond sales which totaled \$4 million that helped us close the gap. I just want to suggest we look at alternative forces of funding that are not in the general fund, including things like budget surpluses that we've seen the last two years, and under our policies this would certainly fit in a midyear budget adjustment and annual education during the budget process because it is only a one-time cost and not on ongoing structural cost. I would just make those suggestions so we don't dig further into the general fund and have to increase the tax rate on our citizens.

>> Martinez: A couple of other things that come to mind, do you have any quantifying numbers as to what you believe it will have in terms of impact on officers being able to get back on the street after taking the detainee and have magistrates.

[03:42:40]

>> We could probably recover over 50,000 hours of personnel time for folks to actually go out and actually

-- if I'm understanding the question properly, for folks to go out and actually work patrolling.

>> Martinez: So you use the 58 minute average during your study, what would who go down to? Let's compare apples to apples. You use 58 minutes on average so what would that equate to, what would that 58 minutes drop to?

>> The goal, councilmember, would be during peak times, evenings and then on the weekends? With that van

-- we'll have multiple vans, north, south and west. It's merely an estimate, but evenings traffic isn't as bad, I would estimate an officer could make it to that van within 15 minutes and the handing over of the individual and the paperwork, I would think we're going to get them within 20 minutes, 25 minutes at the max so cut that in half if not a little better. There will be times that you will still take the arrested individual to the center, but that will be times when traffic is flowing freely and we can still be efficient in that.

>> Martinez: And so is

-- is this

-- does this plan contemplate the 50,000 hours a year savings, if you will, if we were to backfill that 50,000 hours with overtime, that certainly is not calculated in this proposal in terms of

--

>> we did not put an economic value to the hours saved because it's just a projection and we real tied to be conservative in what our projections are in an effort to under programs offer over deliver. That is not reflected as an impact impact.

>> Martinez: So if this council were to take a hard stance on policy and say we want x amount of officers on the street and backfill with that overtime, we could quantify, in my opinion, it would pay for itself in those terms if we were backfilling with overtime.

>> Yes, you could put an economic benefit in those terms absolutely.

[03:44:44]

>> Martinez: That's what I would like to see moving forward. I really think that is significant. When you talk about 50,000 lost hours patrolling our streets a year, that's taxpayer dollars that they are paying us because they want officers protecting their neighborhoods and, you know, we're in transition. And I realize that's part of their job to take detainees and have them magistrated, but I think that's a really important factor in this discussion that needs to have maybe a little more data behind it.

>> And if I could just add that in terms of the funding piece, you know, when you asked whether general funds, we're a generally funded department that's why I said yes, but my boss, Mark Ott would be the one to figure out how to pay for it.

>> Martinez: So in some cases it sounds like we will not only be magistrating them at Rutherford, but they will also go to central booking. Is that true?

>> Yes, what would happen at the center, all of our arrests processed through our center. Anything that's class C will release from our center. Class B or above may be transported over to the county's. There is a model out there, San Antonio, they actually have county -- the county personnel working this their magistration center because the county has an interest in keeping their jail population low. So they align personnel to the magistration center in an effort to bond out some OF THE CLASS Bs AND CLASS As WITHOUT HAVING TO BRING Them to the facility. The answer is yes, some of our individuals with class B or above will end up going over to the jail. Actually that will be still a significant number, but ALL OF THE Cs WILL NEVER Have to be transported and based on what the county may choose to do, they may have the opportunity to release SOME OF THE As AND Bs From this center if that's something they want to pursue.

>> Martinez: To me that presumes there is somewhat duplication of services and is that factored into the cost analysis you put before us? We'll still have to have an interlocal agreement with the county to pay for those services, won't we?

[03:46:55]

>> No, we would not. Once the individuals are magistrated, it's the responsibility of the county to take those prisoners.

>> Martinez: So we would go into the situation that other entities in Travis County are currently in and that is they don't pay for county services because they pay county taxes.

>> Correct. Yes. We would not be paying under that model because we -- they buy code of criminal procedure 1517 would take those individuals.

>> Martinez: I understand. Thank you.

>> And also, if I could add, Williamson County is becoming a bigger part of our city as we incorporate more, and our city is in three counties, Travis, Williamson and Hays, and we won't have this agreement with Travis County. We don't have an interlocal with either of the other counties. They provide us part of the normal county duties. The transportation piece, the trips to the county jail from the magistration center won't be individual cars. It will be van loads full of folks that come out to the magistration center. And in a lot of instances even the vans that

are out on patrol picking up prisoners will be taken more than one prisoner from the areas to the magistration center. The last piece I think is real important, another piece really important for us is because of jail standards and because of the concern that folks may be staying at the jail

-- at the county jail once they are booked and magistrated longer, the nurses have
-- might have a higher standard in terms of taking them to the hospital and we spend more time going to the hospital whereas if we were in the magistration center where we know we're not going to keep them very long, our paramedics may clear them quicker for booking.

>> Martinez: Can you briefly describe what the public input and stakeholder process will be moving forward? We have heard from a lot of the defense attorneys and prosecuting attorneys as to they are not necessarily opposed to this but they are not sure it's going to work in a practical mann. Do you intend to engage with those communities that are frequently using the magistration process, that's their livelihood and get their input?

[03:49:10]

>> Yes, we would want to work to them to make sure we've designed a facility in line with the facilities we've seen across the state that are very effective. We believe it's a model that will work here, but we would want to get their opinion and input on our design and take into consideration anything they may be bringing forward.

>> Martinez: I think there's a lot of questions before I believe it's worthy of this could potentially yield tremendous benefit not only to taxpayers but as you said, chief, servi to our citizens as well. So I appreciate it.

>> Mayor Lefingwell: Councilmember tovo.

>> Tovo: I agree with my colleague, I think this is a promising new direction. I wonder, though, and I know you are not scheduled to talk about the sobriety center, but since you are talking about a magistration center, have you addressed any opportunities tore combining those functions into the proposed magistration center? In other words, having the sobriety center on site?

>> Thank you, councilmember, for that question. We have three balls this the air right now. This is one of the items. The other item is a sobriety center and the other is a detox center where people are actually getting treatment. One of the things we've talked about in our working group, and I think you've come to those meetings, we have space built out for public intoxication arrestees is including a component of having space for assessment of folks arrested for p.i. At the magistration center so then they can be

-- there could be a determination as to whether or not this person is eligible for needs wrap-around services to help with the detox process. So there has been some discussion to have a component of sobriety in the magistration center because we already have the space. I can't remember if you went to houston with us.

[03:51:12]

>> Tovo: I wasn't able to go.

>> All it is is one big room where mats where people sleep it off and then an evaluation process.

So that has been part of the conversation. Would it make sense with the working group to have a sobriety component at the magistration center.

>> Tovo: That is something you are actively considering.

>> That is something. And the part again they have to sleep it off no matter where you put them here or some other sobriety center but the second piece of the sobriety center is the evaluation of the person to see if is it a kid that just got drunk one time before they just turned 21 or is it somebody that has a severe issues that need detoxification services.

>> Tovo: And then, of course, the other piece if they are no need connecting them with other longer term services.

>> Yes.

>> Tovo: I'm not sure I'm following what your

-- how much of that is incorporated in your current proposal. I thought I heard you say there's one cell for public intoxication in the plan you presented today. There is a space specifically for public intoxication that's a class c but more of a protective type situation. It's a ticket. The piece that we're discussing with the working group, if we were to move forward with a magistration center, would it make sense to have the assessment piece of sobriety where when we arrest somebody for p.i., prior to release they visit with the counselors and the need for continued intervention to try to turn that person's life around. So that

-- we have a sprite space for p.i., Justine HENIN SPACE FOR P.I.s TO Sober up. The other piece is do we include the counseling and assessment piece of sobriety.

[03:53:18]

>> Tovo: Well, and I assume there also neds to be a decision about whether they are going to be arrested at the magistration center or whether they are going to be

-- or whether it's going to be the kind of experience somebody would have at a sobriety center which is they are not arrested, they are able to sleep it off and then connect with resources.

>> Well, that's part of the conversation, but the decriminalization and so far the working group I don't think there's a desire to just completely decriminalize p.i. Because when we've looked at the numbers, only 15% of the people are the people that you are really interested

-- really have an ongoing problem, that need the detox. 85% are people that come here to party, and we don't

-- we are not supportive, and I think that's what the consensus is starting to grow, of completely decriminalizing p.i. Because we don't want to encourage people to think they can come to austin, drink to excess, which leads to aggravated assaults, sexual assaults, all kinds of criminal offenses and not even a ticket out of it. So what we are moving towards and I think the consensus is building is to have somebody that's arrested for p.i. Have an assessment and differentiate between that one-time offender who is just here for a bachelorette party and then you have diversion for the person that really has a problem and you don't treat them as a criminal and worry about a fine, you worry about getting them the wrap-around services they need to turn their life around. You can do that without completely decriminalizing the process.

>> Tovo: I have some more questions but I'll leave it there. But I do want to understand the space you have in the proposed magistration center for public intoxicants, is that large enough to be the kind of space they have in the houston sobriety center or is it designed for one or two

individua?

[03:55:22]

>> It's the same size as our five cell. And so I didn't have the opportunity to go to houston so I don't know how large that facility was, but this cell we are proposing would be the size for five persons.

>> Tovo:.

>> It's a good deal smaller. Okay. Is there space available in the facility you are looking at to have a larger space?

>> I think there's room for consideration of redesign depending on ultimately what we want to do and what the city and partners end up. So there's always an opportunity to have a redesign of the space to add more space for sobriety if that was what we needed accomplished.

>> Tovo: Thanks very much. Thank for your work on bows of those issues.

>> Mayor Leffingwell: Councilmember cole.

>> Cole: I really appreciate this preparation and the fact you all have been working on it so long and you've done some outreach to stakeholders, but I have some questions. We've had a lot of challenges and issues with the county related to the ice issue and security communities. Would this proposal

-- how would it impact that?

>> Well, I'm glad you asked that. By the time

-- if this proposal

-- you know part of the [inaudible] in a leadership capacity at the national level, I don't think it's going to have any impact on that ice issue because the secure community program, I've had meetings at the white house where the president attended and the a Gs OFFICE, THEY ARE Working with terms of law enforcement and political leadership feeling it needs to be tweaked. By the time we finish the conversation process and build this there are going to be administrative

-- administrative orders and changes to the secure community program that's going to alleviate some of the concern so I think it's a moot point at this juncture if we were to go down this path, it's going to be a moot point.

[03:57:35]

[One moment, please, for change in captioners]

>> if this is what we had in place today, it looks like what you were talking about in terms of releasing all of our class c misdemeanors and they would not be transferred over past the red line. That would mean that the

-- anybody that was in custody because of a class c misdemeanor would avoid any of the secure community issues that we've been raising. Am I understanding that right?

>> More than likely, yes.

>> Okay. But on the other hand, if our arrestees got transferred to the jail, the class a and b, then it would be the same situation for them, or not?

>> Once they get to the jail, then yes, they would still have the same process going on now. And

just

-- just as it is required throughout the entire nation. It is an id program. I think people think it's something else.

>> Morrison: It's required. But what is not required is the ice for detainees. It's really my understanding that it's about sending the fingerprints up through the whole system and that's how we get into the situation we get into.

[03:59:47]

>> With regard to the idea of increasing efficiencies by collecting them in a van and transferring all at once s there any reason we can't do that now?

>> We don't have the equipment or the ftes to do that. We do it at a smaller scale on weekends with our caritas operation whereas

-- we always as an organization trying to do

-- squeeze more out of the existing resources so we do it, but we just don't have the funding for the equipment or the personnel at this time.

>> I see. Okay. So that actually is, if we wanted to, pecked try and move forward even just with that element that could be moved forward of efficiency a lot more quickly than actually conduct constructing them.

>> Yes.

>> Have you thought about that at all in terms of putting together just an early pilot with just that kind of collection system?

>> We kind have an early pilot and that's the experience downtown where we have the caritas and where our officers go to caritas. We don't have to sit around waiting for the booking process and where we transport them. And those dtac officers. If the people knew how few officers they are downtown for resources, we get a lot of support done with the officers down there. So I think that is kind of a pilot where we saw that where we have somebody else doing the booking it saves time and ultimately to maximize the benefit, the operational benefit, the efficiency benefit and the financial benefit, I think that the whole piece, the whole pilot would be the best piece, but that is a possibility.

>> Morrison: Okay. So also you mentioned that we're the only ones that pays our interlocal to the county. Is there

-- I guess it would be other municipalities that bring

-- within travis county that bringing folks in that aren't paying. Do you have any idea why that is? Why we pay

--

[04:01:56]

>> I don't know. I wouldn't want to speak for the county.

>> I don't know. I don't know why

-- I do know that we're office percent of their bookings, whereas the other agencies are a much smaller percentage and that's based on the size of the organizations. But as far as the reasons behind that, couldn't give you anything beyond that.

>> Okay. And you mention

--

>> Morrison: So sometimes obviously we overlap into williamson and hays, so sometimes we're going through their sheriffs and we don't pay them. And I guess they haven't asked us to pay? I'm trying to understand why

--

>> I think what happened is back when this happened that the economic environment in travis county, the operational environment, was totally different than it is today. And so the jail space was limited. I think part of the partnership was travis county wanted an opportunity to be part of this process so they can release as many folks as possible. The problem is that we've grown so much as a city. Traffic has grown, population has grown, geography has grown, that this is not a model that I don't think is effective for us. It's not effective and efficient to have police officers drive from 620 and 183, which that was not our jurisdiction years back, all the way to downtown. If you look at other big cities, for example, los angeles where I came from la county, you don't go to downtown county jail. You go to local

-- there's jails in places that will drop off people all over the county because the city of los angeles is 420 square miles. We're 320 square miles. Pretty much the same in terms of geography. We've outgrown this model. I don't want folks to think we're being critical of the sheriff's department. We're great partners, but I think this proposal is about a model going back to a way we should do business, improving on the way we used to do business and it's a process of what we think is a win-win for everybody.

[04:03:59]

>> That makes sense to me. Have you spoken with the sheriff about this possibility or with the judge.

>> We have spoken with the sheriff for several years. They know we've been working on this process. Every year they expect us to actually launch and he's very

-- he's very supportive. Sheriff hamilton is a great partner. Ultimately in there's a way that at the end we do their magistration for them at the magistration center, that's always a possibility. We actually have a joint public safety committee between councilmember riley and councilmember martinez. We've had several meetings on it. And over the years the commissioners' court have been made aware by major law and the sheriff's department that we have been working on this proposal. I think that there's a misconception that this just popped up because of the resolution that we were supposed to report back to you at the direction of the city council and the city manager, but the truth of the matter is this has been going on for quite a few years and we've been actively working on this for about a year and a half. We've been very conservative. I'd rather underpromise and overdeliver and so that's what we're hoping to do is underpromise and overdeliver.

>> Morrison: And what you say makes complete sense to me that it's time for a different model because we're a bigger city and now it's time to grow and do a different approach. So one last question then, and that might be for the city manager, what kind of timelines are you-- are being contemplated for this? Is this something that might be contemplated to kickoff the efforts with funds during this budget year or do you think

-- are you thinking it makes more discussion?

>> It's not contemplated currently in this current fiscal year. I don't know that we contemplated it, chief, in the budget for '15 because really not enough has been done in the way of the programming side of this facility to be able to more accurately estimate what we might need on the hard cost side. Of all of this. I think there was a question asked of the chief earlier about how are we going to pay for it and I think he alluded to the general fund. And obviously that's one source, but we are evaluating a variety of different ways for how we might approach this from a financial standpoint, both certainly in terms of the hard costs, the capital costs associated with it. Obviously general fund is a general fund

-- a.P.D. Is a general fund operation so from the end of the day from that standpoint there will be some general fund impact whenever we launch. So obviously it's all still in the works and we're forming it. But until we really vet out more of the programming side of this, you heard the issue of whether or not there would be any room in this facility for

-- I'm forgetting the term. For sobriety. That's in part a programming issue that we just don't know the answer to just yet. So as we get more details from a programming standpoint, we'll better define the costs and be able to really begin to understand from a financial standpoint where we can fit that in and where it makes the most sense footbally.

[04:07:26]

>> Morrison: We might hear some updates in the coming months.

>> You will be hearing some of this in the coming months, yes.

>> Morrison: And I appreciate that have you found an industrial area because that's obviously always a concern. I imagine that it's not so much an issue of a concern about bringing prisoners there to the city, but releasing them there. I notice the rather ford center is due south and adjacent to the asian american resource center. Have you had conversations with them about this at all?

>> No. We haven't really started, other than the business community in that area, which is the predominant community that's there. Because we didn't feel that we wanted to start it

-- it would be presumptuous of us to start a citizen input process without knowing what our bosses

-- if they're even interested in it. My recommendation would be a part of what we do as a city manager as everybody look at the numbers is that maybe we start that community conversation that councilmembers have brought up with the defense bar, the prosecution, everyone else, to see what minds are out there or what challenges are out there and what kind of support. And then we can

-- owe after having that public input process, we can regroup and come back and make that part of our report back to the mayor and council?

>> That sounds great. To clarify one point, the asian american resource center is not citizen, it's one of our facilities that I'm talking about. We would certainly want to reach out to them. Thank you for your work on this.

>> Mayor Leffingwell: Councilmember riley.

>> Riley: Chief, I want to thank you for all your work on this. I know it's been years in the making to get us to where we are now. I appreciate the efforts of both you and everybody else

who have been involved in this. I know a lot of people have been working hard on this for a long time and I'm glad to see it moving forward. I want to add one note of encouragement in ways to look and address the pressures that we see on the current booking facility. If there is any way that we could deal with that within our existing budgets to try and relieve some of the -- those issues and reduce the officer time that's being wasted there just waiting in line? Is there anything we can do on an interim basis I hope we can identify those potential solutions and move forward on it sooner rather than later. I'm glad to know you're going to be moving forward with additional communication with stakeholders and I hope that we can make some good progress on this very soon.

[04:10:14]

>> Mayor Leffingwell: Chief, thank you very much. We will call up items 11 and 12 together. One speaker. Jeff Howard.

>> Thank you, Mayor, good morning, councilmembers. My name is Jeff Howard and I represent the applicant in this case. And very briefly, I think councilmember Tovo had some questions, but I just wanted to point out that this project, the Stokes Ranch project out on 620, this is a service extension request. And as you know that service extension request process is cumbersome. I think you passed a resolution to try to address that this morning. This is a project not in the E.T.J., it's in the limited purpose jurisdiction. It's subject to city zoning rules and in fact you have recommended zoning on this case three weeks ago it was unanimously recommended by planning commission. It's been before environmental board on this service extension request. It was recommended there. It was recommended by the water and wastewater commission. And when we had a thorough discussion at the environmental board, we talked about alternatives. And what I want to be very clear on is that there are very definitely alternatives to the CVR. They're not necessarily good alternatives. Either for the applicant, the utility or the city. Those would be an on-site septic system. So this project, which will comply with current code, comply with heritage tree ordinance, actually exceed code by having a bigger buffer, having better water quality controls, and other things. It's actually a better project environmentally than what you could get under current code. And in fact, when we talked with Mr. Leslie Mac of the environmental staff, we discussed getting environmental staff support. And I think he was prepared to support the project except for there's a legal opinion that says there can be no sort of conditions to serve outside the corporate estimate city limits. This is a good project. We had environmental board support. It's a good project that meets current code. The facilities, the utility facilities are right there in the right-of-way adjacent -- we're in the city service area. The improvements that we would be making are only for our project, they will not open the door for further development. We would ask that you approve these service extension requests. The staff criteria that was looked at by the environmental staff contains some incorrect assumptions and some inaccuracies. I'd be happy to point those out if you have questions on those. So if you have any questions I'd be happy to answer them.

[04:13:33]

>> Mayor Leffingwell: Questions?

>> Tovo: Mr. Howard, I'm interested in what you said about the inaccuracies. What would you regard in the staff's support as an inaccuracy.

>> So I'm looking for think notes on that. There were several comments. The first was that if the scr's were denied you wouldn't see development happen there and that's not true. You would see the exact same amount of impervious cover would still be allowed because you could accomplish the same part of impervious cover with the regime and you could actually have a smaller buffer because you have to spread out to accommodate septic systems. That is an inaccuracy. There was a statement that there was different from other projects that have been approved for cvr's. The windy ridge project, the council approved it. It's just up the street. It drains to the same watershed. That project is not any better environmentally than ours. In fact, maybe not as good environmentally as our project. It's been previously approved. That was also not correct. There's a difference between there was a statement about us not being consistent with the long-term annexation goals. Again, this is in limited purpose jurisdiction. Limited purpose jurisdiction contemplates full purpose annexation. So this area will be part of the full purpose city limits and when it is, you will owe some stilt connections at that point. Folks in a limited purpose jurisdiction are subject to city council rules, they vote in council elections. They have all the same sort of planning he will ms that someone in the city does. This is not an e.T.J. Project. Those are some of the examples.

>> Tovo: I appreciate that. Thanks. I have some questions for mr. Lezanak, please.

[04:15:42]

>> Good morning.

>>

>> Tovo: I understand it is accurate that the environmental board did recommend it and the water and wastewater board commission did as well, but the staff are not recommending?

>> No. And typically we don't recommend scr's located on projects such as these. It's not consistent with the guidelines in the imagine austin plan and the guidance from council that we've received on this. Generally as a rule of thumb we don't recommend service extension requests unless there's some sort of overriding environmental benefit that providing centralized service would provide. In this case they would still be able to do some type of development. They would have to reduce the number of units by about 25% or so. You and we could do some more in-depth analysis looking at this specific location and the potential risks of having a septic

-- on site septic here. To refine that a little bit more, there is

-- there is jollyville plateau salamander habitat that's about a mile downstream. There are some other springs in the area. There are three cef's in the property and it is an recharge zone so is in an environmentally sensitive area. Mr. Howard as approved the council has approved scr's in the area and also denied them the past few years. We haven't been completely consistent with how we approve or deny them in this area. This might warrant gathering some more information.

>> Tovo: If you for that. I'm really sorry that the memo that you provided to the environmental board and the presentation that you provided to the environmental board aren't in our backup because they do highlight some significant concerns. In the presentation itself when asked a

question does the requested service result in more intense development than would be possible absent service. The response was that the central water and wastewater service to limit it to 50 to 60% of the development and I heard you say just now 25%.

[04:18:08]

>> They would still be able to do the same amount of impervious cover and we've looked at some additional information that was provided to us by applicant. And we talked to the water stilt in there on-site septic utility staff and confirmed what the applicant gave us, which looks like probably a 20 to 25% reduction in the number of units. You would have less people, but they would still be able to have the same amount of impervious cover because it is not affected necessarily. It doesn't affect capacity of the wastewater.

>> Tovo: There there would be some reduction in the size.

>> Number of number on the people.

>> Tovo: Your memo indicated your site is located in the limited purpose, in the drinking water protection sewed, in the lake travis watershed within the northern edward's aquifer recharge zone. And it's your understanding that it drains from the memo, drains to nearby head waters creek... Including those occupied by the joel salamander habitat.

>> That's correct.

>> Tovo: So one of the things-- it sounds as if you would be doing some evaluation from the critical environmental features on this site. I thought I heard you say that some more analysis

-- one of the questions before us is really this is going to

-- whether the centralized service is going to solve known or environmental problems, services.

>> We could probably pull in our groundwater staff and do in our salamander biologists and do a more detailed analysis.

-- If we thought there would be direct impacts to any of those sensitive receptors to the septic system. About a year ago the council approved more stringent regulations for septic systems and that fly a re-- over a recharge zone. And we could take a look at those specifically and look at the potential risks from that versus central

-- if that would be offset by centralized service.

[04:20:15]

>> Tovo: I think that would be helpful because the question that was asked in the presentation that you did for the environmental board was would the centralized service solve known or potential environmental problems. The answer from staff is that no, the centralized service might not. And so it seems to me that we would be well served by postponing this item, allow the staff to do the analysis of the two alternatives that would present themselves between the service extension request and the other means.

>> We could do that.

>> Tovo: Would that be your recommendation?

>> Yes. If the council would like additional detail on the potential threat to the nearby environmental receptors, we could do that.

>> Tovo: Again, just to be clear, you are not recommending the service extension request.

>> That's correct.

>> Tovo: So I would like to move

-- what would you think would be an adequate postponement time?

>> We could probably do the work by the 25th of september.

>> Tovo: Of september. Mr. Howard, are you available on the 25th?

>> It [inaudible].

>> Tovo: Thank you. Mayor, I would like to move that we postpone this item until the 25th with the request that staff perform some of that analysis and help evaluate whether an scr request, an extension is a better option.

>> Mayor Leffingwell: Motion by councilmember tovo to postpone 11 and 12 until september 25th. Is there a second?

>> Second.

>> Mayor Leffingwell: Seconded by councilmember morrison. I'll just say it just a comment, I really find it hard to believe that having septic systems on this property serve the same amount of impervious cover is more environmentally sensitive than having central sewer system. Councilmember morrison.

>> Morrison: Thank you. So this is a more general question and that is frankly I'm really surprised to hear that you didn't recommend it because there's nothing in the backup that suggests that. So what is the standard for when staff's recommendation

-- there's no mention of staff recommendation. When does staff tell us what their recommendation is and when do they not?

[04:22:35]

>> Maybe I could ask the water utility staff who manage the cases through the system.

>> This is bart jennings, austin water utility. Typically what we do is the boards and commissions have recommended to the city council.

>> Morrison: So I appreciate that. I guess, you know, in other areas, like for planning and all, pdr, we get staff's recommendation and the commission's recommendation. And so if -- if there's a way you could consider also including staff's recommendation, I think that would be really helpful to me anyway in doing my job and doing the analysis of it.

>> Certainly. If the council wishes that we could include it in language in the rca below the line.

>> Cole: Mayor? I have a question about the annexation. Will this be included in our future annexation plans, this area?

>> Those decisions are made by the planning and development review department, virginia collier. Generally, once a land is going into and they submit a site plan or a preliminary plat, then we move forward with full purpose annexation as part of that.

>> Mayor pro tem, we did talk to miss collier and this is not in our near term annexation plans, but as bart says, once it looks like development is about to happen, it may show up in, say, the out years.

>>

>> Mayor Leffingwell: Okay. Obviously if it's in limited jurisdiction right now, there's some plan that it will be annexed in the future at some future date. At that time the city would be obligated to provide watershed service, right?

>> That's correct.

[04:24:35]

>> Mayor Leffingwell: And there is obviously development planned at this point.

>> Okay. So the motion on the table is to postpone to september 25th. All in favor say aye. Opposed say no? It passes on a vote of seven to zero.

>> Cole: Councilmember spelman.

>> Mayor Leffingwell: We're going to go to citizens communication.

>> Cole: Councilmember spelman was off the dais. You didn't say that councilmember spelman was off the dais.

>> Mayor Leffingwell: Correct the vote, six-zero with councilmember spelman off the dais. First speaker is robert ozer. Topic is city waivers and expenditures for the medical school.

>> Not exactly. I'm going to talk to you about muni.

>> Mayor Leffingwell: Okay. You can talk about any subject you like, but we can't discuss it, anything other than what's posted, so go ahead.

>> Okay. Well, it's tied in a little bit to the medical school. You remember a few years ago when several of you came out to muni and we talked about doing some kind of swap and I think member martinez was there and member morrison and the mayor. And we were all pretty excited because we thought we might be getting somewhere. I want to bring you up to where we are now in terms of that swap. The community is now paying \$35 million, is going to pay \$35 million a year to the university for a medical school. And I don't think that transaction is quite legal, but that is where they're heading. On top of that there were six million dollars a year that y'all have authorized for fee waivers to help them with their construction over there. The problem is that so far I don't see any swap. I don't think that we've gotten anything in return on that. And that six million dollars a year that y'all have bestowed on university in terms of fee waivers is about 12 years of lease payments. That could have extended the lease on muni out to 2031. So as a citizen of west austin, here's the way I feel, the way the swap is working now. The council is asking me to authorize six hundred million dollars for a bond initiative to run light rail by the medical school that's going to touch my neighborhood and I'm probably not going to use. And in exchange in terms of muni, y'all haven't done anything to protect us from the development on the brackenridge tract starting as early as 2019 when they can put up to 18,000 people on the land. So that's what I wanted to talk about, these issues in the context of what's been done in the medical school and the fee waivers. And if y'all have any questions -- I know that some of these questions are going to be answered by mayor pro tem cole and member martinez at a public forum september 17th out at muni, but I would be interested to hear why members of my neighborhood should support this bond issue on light rail, particularly in light of what's happened or the lack of activity on muni. Are y'all going to ask questions? Thank you very much for your time.

[04:28:36]

>> Cole: Our next speaker is gus pena. Good morning, mayor, who is a

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>> good morning, mayor, who is an isn't, city councilmembers, my name is gus pena. As you very well know that there have been a fiasco with the clinics and the v.A. Hospitals, so we established an organization called veterans for progress. And we have been in discussion with several officials in washington, traveled to washington, also met with the secretary and we invited him over here to speak to us. I hope some of you will attend it. I will let you know when and where. It will be hopefully next month late part of next month or early october. My comment are in include the budget process, we need a more inclusive process to the community and for the public hearings. It will be a bad year right now. I will tell you something, that's been people saying we have 4.5 unemployment here in austin. That's not true. 10.5 for hispanics, 12.5 for african americans. I don't know who are the experts, but they need to come into the community and find out who is unemployed. Get out the vote. We have veterans who will get out the vote also. We will come out to vote and also for the city council collections in district and

-- elections in districts and for the mayor's position. We need affordable housing. We need a better definition of affordability. We need to demand that developers come over here for incentives, approval. We need to give more than 10 percent of units available for people. We have many single families with children who are being turned away from salvation army, not nut beds, space

-- enough beds, space. I saw that last friday when I was at salvation army. A lot of families being turned away. Not enough space. Not acceptable. This is a progressive estimate we're not treating the poor in an appropriate manner. City council need to make better decisions on the city that will not impact the less fortunate and the poor. This is consistent with my statements for the last 20 years and as I said we need more shelters. We need to help out our veterans, especially I am a strong supporter of female issues, women's issues, women's rights, children's rights. We're not doing enough to house our have affordable housing for single female with families that are homeless, single female veterans with children who are homeless. This is not acceptable to austin and our veterans. And actually, the secretary of veteran affairs has demanded we do a better job of housing homeless veterans, period. And approve more housing vouchers. Anyway, mayor and councilmembers, I have other items, but I will speak to afterwards, but we have problems here in austin, texas and mayor pro tem, you and mike martinez are running for mayor, even adler, etcetera. We need good councilmembers and good mayors here. Thank you very much and have a good day.

[04:31:54]

>> Mayor Leffingwell: Thank you. Next speaker is eleanor harris. Laugh cross

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-- lacrosse. Is eleanor harris here? We'll go to susana almanza, make austin affordable.

>> Good afternoon, mayor and city councilmembers. My name is susana almanza and I'm with poder, people organized in defense of earth and her resources much there was an article published by tommy williams in the "new york times" entitled city mobilized to help those threatened by gentrification in philadelphia. Cities that have worked for years to attract young professionals who might have once moved to the suburbs are now experimenting with the ways to protect the group long deemed expendable. The initiatives planned are underway in

boston, philadelphia, washington, pittsburgh and other cities are centered on reducing or freezing property taxes for such homeowners in an effort to promote neighborhood stability, preserve character and provide a dividend of sorts to those who have stayed through the years of high crime, population loss and declining property values. Officials say a balance is needed, given the attention and funding to draw young professionals from tax breaks for luxury condominium buildings to new bike lanes, dog parks and athletic fields. We feel that people who toughed it out should be rewarded, said the president of the philadelphia city council, who last year limited property tax increases for long time residents. And we feel it is incumbent upon us to protect them. Some of the programs they've come up with is the homestead exemption which allows most homeowners to reduce and access value of their homes by 30,000 for tax purposes while a second law called gentrification protection or loop, short for long-term owner occupied program, is more narrowly focused on protecting homeowners from increases to their property tax bills because of gentrification. Homeowners who lived in homes for 10 years or more and whose household income is less than about 110,000 annually to cap and freeze their assessment for 10 years is the assessments increased by 300% or more as part of the city's new property tax formula. And we know that in east austin some of the land values have gone up to 400%. So besides looking at the possible 20% homestead extension here for the city with a possible phase in process and also looking at legislative reform action, looking at property tax reform or also looking at using the city's properties that they own in order to redevelopment and affordable housing, I think these are all things that we really need to be looking at and studying more because we all know that we have a shortage of over 40,000 units that are expected and we know that we're constantly losing affordable housing.

[04:35:25]

[Buzzer sounds] thank you so much.

>> Mayor Leffingwell: Janet herrera. Topic is advocacy, care coordination and human resource consults.

>> Yes, sir. Hello city councilmembers, my name is janet herrera and my credentialing that I'm about to mention has been because of the services that have been made available because of the city of austin. So I thank y'all. Since my job laugh in september of 2013. I'm a registered hub contractor for the city of austin. And I've just reached full certification for my woman-owned small business and my minority-owned small business and my disadvantaged business enterprise. And I'm here today trying to do something that has never quite been done before, so to let you know a little bit where I've been, where I'm going, I'm enrolled as a full-time student to obtain my business management leadership specialty certification and I have plans to get my bachelor's degree in psychology. I'm in the process of being a published author and I'm writing a training manual to help businesses and to help teach people how to advocate for themselves. And streamline care coordination to its finest. My new business is combining my personal and professional experiences together. It's through the adversaries that I've ever come, including my own disabilities, my growth is due to the emotional intelligence and I firmly believe that I've already achieved a great many things and I'm glad to know that a great many more things are coming for me and austin. There was less than 500 diagnoses in the world. She's 14 now and she surpassed all statistics with her disease and I know it's my tenacity and

care that she's as well off as she is and the grace of god. To top it off, four years ago my baby daughter on june 14th of 2010 was climbing up her sister's tv stand and pulled a 36-inch tube tv down on her face and she had over 20 skull fractures. We spent 23 days at dell children's hospital and god completely healed my baby within eight months not one seizure. And when god breathed life back into that child he breathed life back into me. I share this with you because it's the hard things that we go through that make the better better and is the whole meaning for everything. I have witnessed profound miracles within my own family and I have been blessed with the unique perspective both as a provider and as a grateful, yet at times overwhelmed recipients of services and it's because I try to be mindful as possible, but I must try and remind all of us that there are no disabilities, only differabilities. That's how I view mine is a blessing and not a curse. I'm not disabled, my brain is just wired a little differently. My business mission statement is that when we work together

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[04:38:44]

[buzzer sounds]

-- as a collaborative collective, the one who suffers most is helped best. Thank you.

>> Mayor Leffingwell: Thank you. Al braden. Lengthy topic that has to do with austin energy.

>> Thank you, mr. Mayor, council. My name is al braden from austin. I work with the austin beyond coal campaign and I'm here to talk about fayette coal plant. I believe it's unfinished business for this council and it needs to be back on the table. After your june 2013 resolution directing a full review of the coal plant, austin energy kind of dug in their heels until a december meeting where larry weiss asked do we want co 2 completely gone or just gone from our portfolio? Your responses are very strong and record UNDERSTAND A YouTube Video I put up called vit.Ly no more coal. Austin energy followed up in february with a closed door meeting and then a briefing and public discussion. Slide 1, please. I believe that in cherry picking the numbers they misled council and the public about the real opportunities for closing the plant. The word went out 25% rate increase and everyone ran for cover. That worst case scenario was based on several unrealistic assumptions. They chose the scenario retire ftp with market purchases which gave the 25% rate increase, got it in statesman and carried the day. But no one was seriously proposing buying all that power at market rates. Then they ran the comparison on 2017, not on 2018. As you see that is a much less opportune time to retire the plant and 2019 and 20 look even stronger. Though negotiating with west texas solar deal and with additional coastal wind available, austin energy did not propose that combination for replacement power. Mike sloan shows it is an excellent fit for peak summer demand where market risk is highest. The question of fayette was kicked down the road for the gen plan discussion. That time is now. I ask you for a new fayette resolution detailing all prior directives and incorporating the

[04:41:08]

following: Please commit to retiring austin energy's portion of the plant by 2020 as part of the gen plan. Additional payoff of the scrubbers will have occurred and improve cash and reserves

will be available by that time, allowing you to maintain the affordability guidelines. Initial 80 a legal

-- initiate a legal path to effect a complete shut down of that stack. Plan the replacement power based on an optimum mix of west texas solar and wind. Incorporate the best estimates of future impacts of the new e.P.A. Co 2 rules, which council is on record as supporting. And evaluate the value to austin's own water supply of closing that stack, which is nearly two billion gallons per year. Such a resolution would refocus on these important issues and change the outcome this fall.

[Buzzer sounds] fayette is unfinished business. Please finish it on your watch. Thank you.

>> Mayor Leffingwell: Thank you. Julian reyes. Topic is austin dogs.

>> Thank you, council, mayor, city manager, all of the people of austin, all the dog loving people of austin for letting me speak again today. Yes, the topic is on dogs. As you know, my dog shiner bock was gunned down after the non-lethal encounters with dog policy by the a.P.D. Here's his story in one of the local newspapers. There's also multiple stories been in the

-- on tv and everything about multiple dogs that have been shot. The issue is it continues. It's called puppycide. You may be familiar with the term. Puppycide habanero down from any dog being shot to any dog being shot by police officers in the united states. Every 98 seconds a dog is shot in the united states according to the puppycide documentary folks. And according to jim rosario, a local trainer of dogs and ex-police officer, and you probably know about his training, canine encounters, out of california, he says that approximately 250,000 dogs are shot in the united states by police officers and most of it is officer error. I understand we have a lot of training in austin. I just haven't been able to get the open government transparency on that from the council and from the a.P.D. And from the animal advisory council. So I just want to -- just today I spoke to a lady who has a service dog, a homeless lady. Her dog's name is mabel and the dog was drawn down upon by a.P.D. Officer because of some other investigation of some kid with a bb gun and her dog was nearby and the officer yelled at the lady and told her to get out of the way and she said no, I will not get out of the way because you're about to shoot my dog. And she saved her dog's life. And that was a dog with a service animal vest, a plump, older black lab, not a dangerous dog. So again, we have a problem that we need to deal with and I'm here to deal with it. I would like to request that the council engage me and my group, support for shiner bock group, and my lawyer, to make sure that we can find some transparency in open government in the process, find out where the problems are that exist in the training and protocols of the hierarchy of lethal force and stop this epidemic. I have some fliers here if you would like to contact me. I would appreciate any comments that you guys have. I'll leave it open for you. Thank you.

[04:44:53]

>> Mayor Leffingwell: Thank you. Next speaker is carolannerose kennedy. Carolannerose kennedy. Then is steve cochran. Here you are. Okay. Go ahead. You have three minutes.

>> Hi. Don't worry, I can't throw these very far. Thank y'all for having me. Preparation for leadership in america was one small step for this woman, me. But just getting on the ballot at any level of government in the united states is one giant leap for humankind. Tell me what you have done for our country and then I will tell you what I will try to do for you. I promise to

continually and continuously work on public transportation. I've been doing my homework almost daily for decades by getting around by the bus, the train, the bicycle, roller skates, someone else's car or my own strong legs. I would be honored to serve on the board at capital metro. Recycling, the landfill and environment. Since the day I was born I have recycled more than I throw away. It's in my genes. What austin needs most is clean air and clean water. I fully support removing fluoride from the planet earth. Home the houseless. What comes from the heart comes from the home. Instead of munching and lunching with co-workers, take a homemade cake with a thousand birthday candles to the salvation army to celebrate the mere fact that we are all still alive and kicking in austin, texas. Homosexuality, it's none of our damn business. It is a mutually beneficial, consensual unnon-between two human beings. It should be respected by all, kept dignified by y'all and left alone by the laws of the land. It is a higher quality of life to have someone with whom to build and share for better, for worse, till death do you part, than it is to live alone, die alone and in the end nobody comes to your funeral. I want to bring

-- I want us to bring prayer back into the schools. Austin city council and the divided and diversified churches during the madalyn murray o'hair days were obviously devoid of brains and brawl. It is almost as awarding to the children and successful to the teachers and parents as sex education and physical education. Bringing prayer back into our schools will significantly decrease behavior problems and dropout rates. Marijuana. We need to get on with legalizing it or relax or eliminate austin law enforcement, now. Amen, hallelujah and praise the landlord. Play balls. Thank you.

[04:48:06]

>> Mayor Leffingwell: Next speaker is steve cochran. Non-enforcement of the McMansion ordinance.

>> Yes, mayor, city council. I had

-- my concerns are under investigation with the planning and development department, primarily with greg guernsey. I would like to yield my time to speaker number 10, theresa cochran, if I may.

>> Mayor Leffingwell: No, sir. The time is yours. You can't donate or transfer time in citizens communication.

>> Okay. Then that's all I have. Thank you.

>> Mayor Leffingwell: Thank you. But she is the next speaker, so you have three minutes. Theresa cochran.

>> Austin energy is your topic.

>> The city of austin approved here's an example that you can look at. Yet with all the stamping that austin energy did, the owner did not comply with this clearance requirement as you can see by photo 1. This was a problem for the owner. Now they were not compliant to austin energy codes or the national codes. Photo two and three shows how austin energy is going to solve the problem for the owner's noncompliance. Austin energy is going to relocate the utility pole three feet into the property line. Moving the pole into the property line still does not create proper clearance without adding anher pole in front of both of the properties, which no one wanted. In order to apiece everyone, austin energy put a pole marker across the street and

said the owner was going to bury the power lines. There's an acknowledgment on the next page of the approved revised permit with highlighting and more stamping of austin energy. Austin energy did not bury the power lines. We were told the owner could not afford to bury the power lines. The revised permit should have been rescinded right then. Even the review department manager said that the original permit never should have been permitted. The pole should have been moved to the property line. The owner was told many times the eaves of his house needed to be cut off to provide proper clearance. That should have been the end of the fiasco. Next thing I'm being threatened by austin energy to sign a release to move the pole three feet into my property or austin energy is going to erect a higher, bigger pole in front of our house. So under duress and with the objection of my husband, I signed a release hoping that this would be the lesser of two evils. After I signed the release I found out about this revised permit in october. And if I had known that the owner had agreed to bury the property lines, I never would have been intimidated into signing that. This is a serious encroachment upon our property and to expand this utility easement and deem a portion of my property unusable. The existing pole three feet into our property does not allow us to use a portion of the rear and sides. In conclusion the owner should be required to comply with the revised permit by burying the utility lines or austin energy must move the pole to the property line, forcing the owner to reduce the size of his house. After all the dancing around with austin energy of the felt pole we've ended up being penalized and pushed around because austin would not or could not enforce the code.

[04:52:14]

>> Mayor Leffingwell: Thank you, ma'am. I understand that Eleanor Harris is here now? Eleanor Harris. To talk about lacrosse usage.

>> Thank you, mayor, thank you, city council. I am here to speak about lacrosse. My son plays on a team and the past year

-- he's over at Atlas is a 1Bj, plays with the Jaguars. The team has had a very difficult time finding a place to play. I've been checking for multipurpose fields located on the city website. Most of the fields are for football, baseball and soccer. There is not a place for lacrosse. It's one of the fastest growing sports in Texas right now. And I would like to request

-- and my understanding, and having spoken to Parks and Rec that two fields will be available starting in the spring. That there will be a field at Kreis Field and at Zilker will both have lacrosse for this

-- for students, people to reserve. However, there isn't a place on the website. And if there could be a place on the website that folks could know, they can reserve the site, it would be great. With lacrosse it's bigger than a football field. They would need 130

-- I'm not an expert. But it is larger than a football field because they play back and around the outside of the field. And with that they would also need if possible lights at night. And I believe Kreis Field already has lights. The one thing atering, it's not completely

-- Kreis Field. It's not completely flat. They would need for work for the boys or girls to come.

There are both boys and girls lacrosse teams. I would like to request that it stays affordable.

Right now my understanding is that rental of the fields is \$210. I've heard there will be a slight increase and that would be fine. I would just hope that it would not double. So if it stays

affordable. So that's it. I'm glad to hear that there will be lacrosse fields and just if you could please have a registration on the website would be great. Thank you.

[04:54:41]

>> Mayor Leffingwell: Thank you. The council will go into closed session to take up to four items under 551.071 of the government code the council will consult with legal counsel regarding the following, item 102, legal issues related to the city of austin 2014 labor negotiations with employees in the fire department. Item 103, legal issues related to the transition to electing council from single-member districts, item 104, legal issues related to open government matters. Item 105, legal issues related to the november 2014 election. Without objection, we are now

-- we'll now go into executive items 102 through 105. The next item up for consideration is number 26. There were two speakers who have already spoken. Any comments, council? Number 26.

[05:01:33]

>> Spelman: Move approval of item 26.

>> Cole: We have a motion to approve, seconded by councilmember morrison. All those in favor say aye.

>> Aye.

>> Cole: Those opposed say no. That passes unanimously with mayor leffingwell and councilmember martinez off the dais. The next item we will consider is item 31 which has five citizens. The first citizen is gus pena and he has time donated by david king. I thought I saw gus. No gus. David, are you here? Do you want to speak?

>> My name is david king and I live in the zilker neighborhood. I can't do the job gus would do but one of the key concerns he has is the money should go directly to the folks that need the money, not to administrative and overhead costs. That was his big concern is to make sure that most all of the money goes directly to the folks that need the money. That's

-- that's the main point that he wanted me to communicate to you. Thank you very much.

>> Cole: Thank you, david. The next speaker is james rosen. James rosen. James is not here. Jim blazer. Jim blazer. James price. All signed up again. James price. Laurie renteria. Laurie renteria. Okay, council, that is the end of our speakers on item number 31. I'll entertain comments or a motion.

[05:03:43]

>> Move approval.

>> Second.

>> Cole: Councilmember morrison moves approval. It was seconded by councilmember spelman. All those in favor say aye.

>> Aye.

>> Cole: Those opposed say no. That passes on a vote of six with mayor leffingwell off the dais.

Next we will go to item 32, which has five citizens wish to go speak. The first being gus pena who I do not believe is here. James rosen. Who I do not believe is here. Ron gates. Who is also not here. Jim blazer, who is also not here. James price. Who is also not present. This is item number 32, council. Any comments or motions?

>> Spelman: Move approval of item 32.

>> Cole: Councilmember spelman moves approval. Seconded by councilmember morrison. All in favor say aye. Those opposed say no. That passes on a vote of 7-0 with mayor leffingwell off the dais. The next item that we have is item number 38 and there are no speakers.

>> [Inaudible]

>> Cole: At the end of the day. Okay. Item number, distracted driving. That was pulled. You pulled that. And we do have speakers. Are you ready for the speakers? Councilmember morrison.

>> Morrison: Thank you, mayor pro tem. This is the distracted item, number 41. I wonder if staff is here to answer a couple of questions first. I think they are coming. I see her. It came up quick. Before we go to our speakers, I wondered if you

-- I know that there is a revised draft in the backup and I wonder just to make sure everybody is on the same page if you could give us a quick overview of how it's now crafted and what's in front of us that we're actually going to be working from. Bianca benson with the law department. We took the comments made at the work session and changed the draft to conform with those comments and concerns. The primary changes that went in was off of mayor leffingll's suggestion to change subsection b to limit it to when the vehicle is in moon. So prior to that there was, as you know, a lot of discussion about that piece of it. So it was changed to simply an operator of a motor vehicle may not use a portable electronic device while the vehicle is in motion. That's the first major change. Feedback

-- prior to that, excuse me, we did add a definition of what operating a bicycle means so satisfy councilmember spelman's questions. Fortunately there was already a definition in state law of what operating a bicycle is so thanks to that we were able to use some of that language. Also in the definitions under number 4, we added in the definition of what an authorized emergency personnel is so that will come up under that

-- that will comply with that exception. In subsection d, we added an affirmative defense regarding the vehicle being at a complete stop that would help pour meaning under what we meant under b. Some talk about the california stop and is that really stopped so we'll add in everybody knows we mean moving in any way means you can't use your portable electronic device. And those are the major changes that we made in response to the work session.

[05:08:03]

>> Morrison: I think there's one other change and that is the

-- it previously one of the affirmative defenses was that you were going listening to music and now that's been changed to audio transmissions.

>> Thank you, councilmember morrison. We did make that change so people could listen to audio books. That's why it got changed to audio transmissions as opposed to music.

>> Morrison: People listen to pod casts instead of the radio and you can turn on your navigation device and put it away and it can talk to you. That's a good reasonable thing. We've been

getting a few emails about ham radio operators and how that's dealt with in here. The way we've got it now under section f, it says the section does not apply to citizens band radio devices, two-way radio communication in a commercial vehicle or to persons engaged in, and there are two things mentioned, amateur radio, emergency service activities, otherwise known as ars, or radio amateur civil service

-- emergency service activity so apparently those are two specific kinds of exercises that folks perform duties in. And there were questions about what about other public services performed by amateur radio operators like mars, the military auction silly radio service and this is out of my league, I don't understand this, there was a question about what it make sense just to say rather than listing programs to say it doesn't apply to persons engaged in f.C.C. Licensed amateur radio activities. Do you have a comment on that?

>> Yes, the chief

--

>> I'll speak to that because there are a lot of other cities that have ordinances that do specifically state if you are licensed by the f.C.C. And engaging in that conduct. I checked this morning with scott swearengen and they believe that will work for the approximate purposes the purposes they are trying to cover for purposes of natural disaster.

[05:10:25]

>> Morrison: What language?

>> That you are referring to if we include the language about being a f.C.C. Licensed operator that will accomplish what they want to see in the ordinance and I think that will address concerns you are hearing from your constituents.

>> Morrison: Section f would change to or to persons engaged in f.C.C. Licensed amateur radio activities? Is that

-- would it have the word

--

>> give me just a second to put my eyes on. The language that we see frequently in other ordinances will state by an operator who is licensed by the federal communications commission while operating a radio frequency device other than a wireless communication device. And the belief is that will accomplish what we're trying to do to put these restrictions out there without impacting ability during emergency operations.

>> Morrison: I guess one question some folks might have does that go to far? Are there people licensed to use these that are going to be using them for

-- was it really intended just for emergency purposes?

>> And that may be a little beyond my area of expertise as well. I would venture to suggest that most of the ordinances that we have found from across the state are using language very similar to that so I believe that's going to capture the essence of what we're looking for.

>> Morrison: All right. Great. Thank you. Those are all my questions. I know we have speakers.

>> Mayor Leffingwell: Just following up on that, how about people with

-- other people who use radios in their vehicles? Like trash can operators

-- trash truck operators and, you know, probably most of city vehicles that are on the road have radio devices.

>> Yes, mr. Mayor, and I would

-- in item f, we do cover two-way radio communications, and the purpose of using two-way radio communications was for that very reason. You give the example of some of our city resources with garbage collection, things like that. What I believe also we are trying to cover here is transportation with taxi services, the city's bus services, tow truck operators when they are getting dispatched. These are all things legitimate business need uses for these devices and the intent of the work group and the recommendation in front of you is not to limit those practices.

[05:13:00]

>> Mayor Leffingwell: Okay. That's great. I see you've added in the affirmative defense of the motor vehicle or bicycle is at a complete stop, period. But what does that mean it's an affirmative defense? Meaning you could be ticketed anyway and just say I'm not guilty because I was stopped and then you have to prove you are stopped or how does that work?

>> The way the affirmative defenses work means that can act as defense the driver or defendant could raise after the state has presented their case. So again, it wasn't so much that we thought we needed an affirm active defense to aadvertise the driver, we wanted to make sure it was clear by what we meant by subsection b, vehicle in motion. If someone said no, I was stopped that's a recognized defense they could raise.

>> Mayor Leffingwell: So strictly according to the ordinance, the entire ordinance, you shouldn't be ticketed or cited if you are at a complete stop. But if you are, that is a defense.

>> Correct.

>> Mayor Leffingwell: Okay.

>> Lawyer.

>> Mayor Leffingwell: Lawyer talk. Councimember spelman, did you

-- I'm sorry, I thought you were

-- any other comments? We

-- I think we have folks signed up to speak. Let's go to those now. Edward sledge.

>> [Inaudible]

>> Mayor Leffingwell: Tommy eden. The clerk will note ed sledge is donating time scott johnson. Scott johnson with donation of time from edward sledge has six minutes.

>> Good afternoon. I was a member of the distracted driving study group and I would like to thank those other members that aren't here and if you are listening, tracy, randy carls and public safety commission, edward sledge, another citizen, and also tara from triple a. What we do know is other states have more comprehensive distracted driving laws. More cities within texas have more comprehensive distracted driving laws than we do that cover hand-held cell phone use. This is the second time around for some of us and we would like this one to be much better. We would like this one to increase the opportunity to stop people, warn people or ticket people for text messaging for web surfing, for using your hand-held mobile communication device for gps use. That is happening now, but this will help enforce the opportunity for a.P.D. And law enforcement to do it. It is a sweeping change, there's no doubt, and we hope other cities and counties

-- or cities, rather, look at least banning text messaging. One of the points we brought up was

this issue of stopping. I was following the discussion at the work session and have talked to some of the officers and realize there are people on the council who don't want this to pass. It's already been amended. The ordinance for that purpose. One of the main reasons why I'm a proponent is there's already encouraging into the crosswalk now as all of us know and there's encourages by vehicles and bicycles. We want, I want that crosswalk to be as safe as possible. Even without mobile communication devices, it was already unsafe before they became popular. But this has the potential for people to be more distracted, to roll past that white line which should be sacred, it's not sacred in our society, not in austin, not in our cities. That is an opportunity. We also know that when people are doing things and multi tasking, some of it that they are doing is discretionary. They don't have to do it right then and there. I would say the vast majority of communication by mobile communication devices and certainly electronic devices that aren't used for communicating are discretionary. It is a safety issue and the distraction that causes the delay if we could quantify it could be very tangible. It would be some percent of the delay to clear intersections, which we have a lot of discussion about related to traffic congestion. So I hope you'll think about that and I hope that if it does pass in the way that et cetera amended, we could conversation with new council and with the council itself. We are working a robust education campaign. We'll need all hands on deck for that because this is a sweeping change. Some people particularly that side of austin are not respecting the current ordinance we have in place that I mentioned earlier. One of the opportunities that I see that I did bring up in the study group but is not part of the amended ordinance is the use of headphones for listening to music. Those type of headphones do not have a way for you to communicate by phone and they are coming into vogue. More and more the ones that cover your entire ear because some are better quality than the ear buds and that's not part of this ordinance, and it's not amended to include that, I hope we can have that discussion in the near term. I don't think it's a crisis situation based on the people that use mobile communication devices, but there are some car drivers, certainly some bicyclists and there's some pedestrians that use headphones for music listening that block out other audio stimuli, they can't hear what's going on in the environment around them. Another opportunity outside the scope of this group is one I hope the city will consider in some form or fashion is the other distractions that happen outside, one of those being electronic signs and billboards. That is an issue that will grow over time. If you travel to other cities, you see the potential there as they become clustered and they are starting to grow now, banks are using those as well. All in all I'm satisfied with the process and I want to thank staff for their attentiveness and participation and effort, specifically bianca and chief manley and roxanne evans and I hope this brings about a safer day for those of us in austin and I'm happy to answer any questions.

[05:19:39]

>> Mayor Leffingwell: I would just say in regard to one of your comments, it's already an offense to impede traffic. If you are stopped at a red light and the light turns and you don't see it right away, you are already subject to a violation. So the next speaker is robert tobiansky. Robert tobiansky. Alvaro bastides.

>> Good afternoon. My name is al bastides, executive director and founder of an organization called please be kind to cyclists. Many know who I am and what I've been doing for the past

nine years. For the past nine years we have been working nonstop to keep everyone on the road safe. We have partnered

-- able to partner with a.P.D. And city of austin and cap metro to produce this aggressive and comprehensive awareness campaign to educate the drivers and the cyclists. The truth is that I've been waiting for this moment for a long time to be in front of you to talk about different issues that we people on bicycles face every day on the road. Not to mention the infrastructure and the laws, but in addition to that we have the cell phone use while driving. It's a distraction that actually does kill people. I have with me here a letter of a wife of a person who was hit last year

-- no, in this may, 56-year-old man, who was riding his bike on the shoulder. And he was hit by a gentleman who when the police came did admit being on the cell phone. We don't know if he was texting or talking but he admitted to be on the cell phone. Right now bobby is multiple operations. He still has spinal cord issues and he will be dealing with his health for the rest of his life. I'm very grateful for many of you who support our efforts and do try make an effort to keep our citizens safe. What

-- what bothers me with this issue is that we have law in place to protect our kids from getting hurt in school zones. No use of cell phones, texting or talking on the phone in a school zone. So we have a law in place to protect our kids, but we don't have a law in place to protect their parents. And that's my issue. It doesn't make any sense. In july I became an american citizen and I'm very proud to say today I'm an american and I love this place and proud to call austin home. People can do better than this to protect citizens. Not just cyclists but everybody out there. So I'm here to ask you to keep

-- to think about this, this law and help us pass and keep people safe. Thank you. Do you have any questions?

[05:23:15]

>> Mayor Leffingwell: Thank you. Garrett nick. Garrett nick. Patricia bastides. Accomplish. Patricia. David king.

>> My name is david king and I live in the zilker neighborhood. I would like to start off by thank jeanette goodall for the great service she gives try to sign up for speaking. Thank you for the good, professional service that you give to us. As I've already mentioned when this item first came up, itself

-- had the opportunity to stand in front of the zilker elementary school for a couple of hours last year, and I noticed that cars were driving through the school zone there and a lot of them were not stopping, they were rolling through the school zone. And I watched them because I was standing right by the stop sign and many of them, at least ten of them within a two-hour period were looking

-- looked to me like their cell phones. And they were rolling through. They weren't stopped. They were rolling through the stop sign. Some of them went right through without even slowing down. So I appreciate the work that you all have done to put this stakeholder group together and to bring this forward to help us do something to keep our kids from being injured or killed. And, you know, it's good to have this ordinance, but it's not good unless it's really enforced. And I know it's difficult to enforce. This is a difficult one to enforce. I would wonder if

we could do something like putting up cameras at the school zones to kind of keep an eye on this or if we could have a police undercover on a motorcycle, maybe hidden back away so they could see what's going on and do some enforcement, selective enforcement to show this really matters and we're going to do something about this and keep our kids from getting injured or potentially killed. So, again, thank you for bringing this forward and I hope you will all support this. Thank you.

[05:25:35]

>> Mayor Leffingwell: Thank you. I'll be glad to support that if you are willing to fade the heat for us. All right. Okay. I'll entertain a motion on this item. Councilmember morrison.

>> Morrison: Before I make a motion, I guess I just wanted to ask chief manley, could you talk -- a couple of people have mentioned enforcement or really education. How will we go about making sure people start learning about the new law?

>> The work group did discuss the need for education. This is not an issue that we are going to resolve through enforcement. We're going to resolve this through voluntary compliance. The goal will be to educate, pass something accepted by the community and educate the community before we begin enforcement. Currently there's no budget to put together an enforcement campaign and that may be something that is worth considering because I think that's going to be on the front end what's going to be the most important is getting the message out the law has changed. We need signage at key locations like the airport, hotels, things like that where people may not be familiar with what the rules and ordinances are here. So the plan would be to do a very extensive public education campaign on the front end, and as we do any time we pass a new vehicle-related law, we would do a period of warnings only so that we could get the word out.

>> Morrison: I appreciate that. I would like to make a motion that we approve this on all three readings with the amendment to section 8. Do you want to read the language again so we can make sure the clerk has it exactly? To generalize the licensed radio operators.

>> Correct. And what that language will need to read is by an operator who is licensed by the federal communication commission while operating a radio frequency device other than a portable electronic device that will capture the definitions that we're using and reflect what other ordinances have that is working.

[05:27:46]

>> Morrison: Okay. Great, so that's my motion.

>> Second.

>> Mayor Leffingwell: Motion by councilmember morrison. And your motion is with the amendment you added and that's to the red line.

>> Morrison: Yes.

>> Mayor Leffingwell: And a second by councilmember spelman. Councilmember riley.

>> Riley: I want to ask my colleagues about whether there would be any interest in allowing a little more time for input on this. This item is not posted for a public hearing. We've heard from staff that we could just pass it on first r and have a public hearing and pass it on second reading.

One reason I think there may be value to this, we've been getting more input on some aspects of the ordinance, in particular both the pedestrian advisory council and the bicycle advisory council have raised issues about the scope of the ordinance. In particular with regard to its application to bikes. And the point that the bicycle advisory council has raised is that there is no

-- there has been no evidence shown that

-- that texting, cell phone use

-- there's no

-- the they way put it was we need to

-- there has been no showing about the dangers of distracted bicycling and that it

-- in particular I've been getting a number of emails from pedi cabers who say this would pose a threat to their business because they rely on cell phones. Seems like there may be benefit allowing for more discussion and hearing from more folks and asking whether there is data to support the application of the ordinance toward

-- to bicycles. Just raising that as to whether there would be any interest in allowing a little more time for consideration of that issue, those issues on second reading.

>> Mayor?

[05:29:46]

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I have heard from some members of the bicycle community and would be supportive of some additional time to consider the bicycle issue.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I wonder if staff and/or maybe scott could tell us what the conversation was like at the study group level about bicycles.

>> Councilmember, we did discuss the applicability of anything that we pass to the biking community and actually we had representatives from that commission that did come and address. Included in your backup material was their document that did show as councilmember riley said that they were not in support of it. The general consensus was, as councilmember riley just said, since there is no evidence that distracted biking poses a threat, then we -- why would we include that. Then the discussion focused on do too actively that you would believe someone riding a bicycle while looking at a device, it will be just as distracted as a motorist. And obviously if they did make contact with a vehicle will be the one to suffer the substantial danger. So at the end of the day the recommendation put forth to you, although it is in contrast to what the biking

-- the one bike group that addressed us stated was based on the discussion and then just the -- on the safe value of what distracted biking would look like.

>> Morrison: Scott, do you want to add to that?

>> Yes, I myself did out reach to bike austin and talk to cyclists without knowing I'm not representing the community even though I am a cyclist and part of the community. Bicycle advisory council, I made a presentation to them and there were quite a few people there. They were concerned about a false equivalency in terms of the danger of something that weighs four to six, seven thousand pounds causing damage when distracted versus a bicycle. And I can

understand that, but right now we need to harmonize these laws and if we can have cyclists more clearly adhere to all the traffic laws, including this one, and the original intent of my effort being involved in the text messaging ban was that it would apply to cyclists. I don't know if there had been any tickets written for that. I believe, councilmember morrison, there are very few recreational and commuter cyclists that use cell phones in a necessary way, and now that there's no gray area about stopping and using one, before it was a little gray about okay, how to bicyclists get out of the way if they are in the left-hand lane, there's no gray area now so they can stop and take the call or make the call and I don't believe they have to worry about law enforcement. Would you agree?

[05:32:50]

>> Mayor Leffingwell: Let me just

-- let me say I would agree and I think you made a very important statement. We have been hearing for a long time now as we continue to improve our bicycle infrastructure that cyclists want to be considered as vehicles in traffic just like any other vehicle. And I don't think it makes sense, I don't think it's good policy to have a set of traffic laws for motorized vehicles or cars or trucks and another set of laws for nonmotorized vehicles. I mean, if unit to

-- if cyclists want to be

-- if they want to share the road with everybody else, they should be subject to the same laws as everybody else. [Applause] councilmember spelman I agree with what you said. The point is there are some bicycles that have motors on them to help people get uphill, electric motors. We have mopeds. I'm not sure whether they fall whether they are bicycles or motor vehicle. Probably probably motor vehicles if it's gas motor. Electric motor I'm not sure where it falls. If you are in the road seems like we ought to treat you like a motor vehicle only because it would not cause too much trouble if you ran into my car. I'm going to try to get out of your way and I might run into some other car. There's a lot of opportunities for conflict and I think we ought to minimize these as much as possible. I have a question about the pedi cabs. How do we treat portable wire devices in order to get fares.

>> I heard pedi cab and taxi cab.

>> Spelman: I'm changing the subject slightly. Suppo a taxi cab driver and instead of using a radio I'm using a cell phone. And I'm not sure whether there are any in town who do that, but I know that in other towns there are cab companies that rely mostly on a cell phone and not on a two-way radio. If some cab company were to shift to a portable inquireless device rather than two-way radio as a primary means of communication, would they be bound in the same way as or the father motorists or would there be an exception made?

[05:35:16]

>> That would come from -- go ahead.

>> As currently written, councilmember, that would be a violation and so I would suggest that if that was the direction they were going that they employ hands free technology in their vehicles and they can still update and use the cellular service but do it hands free.

>> Spelman: That seems to be exactly the right approach and if a pedi cab wanted to

communicate with a central communicator they ought to be using a hands free device the same as the rest of us do too. I think we're not obviating the possibility for the pedi cabs to continue to do business the way they have been for, they just need to put a cord in their ear.

>> Mayor Leffingwell: Okay. Thank you. Councilmember morrison made the motion. Who was the second on this? Councilmember spelman. So motion on the table. Approve on all three readings with the red line changes and the additional change by councilmember morrison. All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0. Council, without objection, it's after 2:00 so we can through our consent only, just the consent zoning items.

>> Thank you, mayor and council. Greg guernsey. For our 2:00 zone where the hearings have been closed items for consent, number 113, approve second and third reading for the property at 4501 and 4503 manchaca road. Again, that's ready for consent approval on second and third reading. Number 114, this is approve zoning at 7405, 7409, 7415 cooper lane to change to townhouse, conditional overlay combined district zoning with conditions. Items number 115, case c 14, 2014,

-- 07 for the property at 23 on 9 montopolis and 6500 carson ridge, rezone to urban family residence or sf-5, combined district zoning. This is ready for second approval. Second and third reading approval. Item number 116, for the property at 517 east oltorf street, approve zoning to community commercial, neighborhood plan combined district zoning as amended with conditions. Ready for consent approval on second and third readings. Our 2:00 zoning and plan amendments where public hearing is open and possible action. Staff would offer number 117. This is in the north loop neighborhood planning area for property at 1001 east 50th street and staff would request postponement of this item to october 16 agenda. Item 118, 2014-0028, of staff would request postponement. 119, consider 14-2013-0118, to zone the property to community commercial or gr district zoning, zoning and platting commission recommendation was grand the zoning with conditions. The adjoining property owner and applicant have agreed that this could go on consent. You may have adjoining property signed up in opposition. So long as the public hearing is kept open for second and third readings and they are trying to work out arrangement regarding a screening fence. Along the property lines between them. I'd offer 119 for consent approval on first reading only with a caveat that the public hearing remain open until second and third reading. Item number 120

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[05:39:50]

>> Mayor Leffingwell: There is one person signed up. Alice touchstone. Are you here? Is alice touchstone here?

>> I don't believe so.

>> Mayor Leffingwell: Consent on first reading only with the public hearing be kept open for 119.

>> Thank you. Mayor and council, number 120, c 14-2013-158 on congress after. This is discussion. Item 121, this property located at 3800 ben garza lane and 6313 south mopac expressway. Staffist requesting postponement of this item to september 25th agenda. Item

122, c 14-2014-0047 for property 4920 spicewood springs road, we have opposition to this request. I believe they have signed up. This will be a discussion item. Item 123 forks 2800 esperanza, this item is withdrawn and replaced by an addendum item number 19. Item 124, the applicant is requested indefinite postponement of this item. No action is required. Renotice will be required before this comes back to be placed on agenda. Item 25, the property located at 1507 airport commerce drive, to zone to general commercial services, conditional overlay and combined district zone to go change conditional zoning, planning commission recommendation was to grant the ... To exchange conditions of zoning and I can offer on this for consent on all three readings. Item 126, c 1420140100 for property located at 12008 atlanta avenue, staff requesting postponement to september 25. Item 126, the recommendation was grant the zoning with conditions and this is ready for first reading only. On item number 127. Item 128, 814-89-0006.05 for property at 8110 fm 2222 road. Staff is requesting a p of this item to october 23 agenda. Items 129, 130, 131 and 132 are all discussion items. These will all be discussion items. Mayor, if I can skip over to item 159 that replaced the earlier item, I could offer that as consent as well, case c 14-2014-0058 the property located at 2800es per and is a cross to go

-- this is property located in the burnet gateway area, transit oriented development planning area to burnet gateway commercial mixed use neighborhood plan to modify the regulating plan by changing the sub district to commercial mixed use. Planning commission recommendation was grant the combined district zoning with conditions and this is ready, I believe, for all three readings.

[05:44:11]

>> Mayor Leffingwell: Okay. Now on item 120, which is a discussion item, you didn't read it on consent agenda, my understanding was there is some kind of request related to that that one of the parties wanted to discuss and was not going to be in the county building or in the county after 4:00. So could I ask someone to speak to that request? We'll see

-- we're not going to have time to go through the agenda right now, but

-- jeff howard representing the adjacent property owner. I am going to be in county after 4:00 p.M., But we do have the folks who are all here are having their national festival so there's quite a bit of activities and they have a large following so we're hoping we could get heard a little earlier tonight I will be in the county.

>> Mayor Leffingwell: You will be in town. Unfortunately that's not going to get possible because we have to get back into order on the consent agenda. I just wanted to make that clear.

>> Understood.

>> Mayor Leffingwell: So the consent agenda is to approve items 113, 114, 115 and 116 on second and third readings. To postpone item 117 until OCTOBER 16th. To postpone item 118 until OCTOBER 16th. To leave the public hearing open and approve on first reading only item 119. To postpone item 121 until SEPTEMBER 25th. Noting that item 123 is withdrawn. Item -- postpone item 124 until indefinitely. To close the public hearing and approve 125 on all three readings. To postpone item 126 until SEPTEMBER 25th. To close the public hearing and approve on first reading only item 127. To postpone item 128 until OCTOBER 23rd. And to close the

public hearing and approve item 159 on all three readings.

[05:46:29]

>> Move approval.

>> Mayor Leffingwell: Councilmember spelman moves approval. Is there a second? Seconded by councilmember morrison. Councilmember morrison.

>> Morrison: I wanted to be shown as voting no on number 116, please.

>> Mayor Leffingwell: The clerk will show councilmember morrison voting no on 116. Councilmember tovo.

>> Tovo: I would also like to be reflected as voting no on 116, and I wonder if we could ask the folks here from the hideout who might have to leave if they don't mind standing up so we can see them. Or waving. Just wanted to get a sense of -- thank you.

>> Mayor Leffingwell: Thank you. Welcome to the county commissioners court. [Laughter] so the motion to approve, all in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no. That passes on a vote of 7-0 with two no votes, councilmember tovo and morrison on 116.

>> Thanks you, mayor and council.

>> Mayor Leffingwell: Thank you. So I'd ask the clerk, I was gone, did you do item 38?

>> No because it was related to a 4:00.

>> Mayor Leffingwell: Okay. It's not marked that way to computer, but if you can arrange that, I would appreciate it. So that brings us to item 81. Item 81 has two speakers. And item 81 was pulled by mayor pro tem cole. Do you want to hear the speakers first?

>> Cole: Yes, mayor. Sola vega. Michael fossom. Mayor pro tem cole.

>> Cole: Thank you, mayor. This is an item about the urban trails plan, forest plan, and we have some additional edits by the stake holds involved with the tree community and ran those by legal and you should have an edited copy, edited yellow copy before you. And I simply ask that we move approval.

[05:48:48]

>> Second.

>> Mayor Leffingwell: Mayor pro tem cole moves approval, seconded by councilmember spelman. Is there any discussion? All in favor say aye.

>> Aye.

>> Mayor Leffingwell: Posed say no. That passes on a vote of 7-0. And I believe that brings us to item number 84. Yeah, 84 was pulled for speakers. First speaker is soil vega. Michael fossom, generaller in McFail. You are wish to go speak?

>> Yes, sir.

>> Mayor Leffingwell: Could somebody assist ms. McFail please?

>> I'm jennifer McFail with adapt texas and we just wanted to be on record supporting this ordinance or resolution, whichever it is. Because it would increase the amount of physical

accessibility for people with disabilities, give us a little more room to work with because there won't be stalls and things like that. Also it will allow people to use personal attendants to assist them in the restroom, to be able to access that service without having to worry about the person's gender. A lot of times you can need assistance and if they are not in the gender of the bathroom assigned you can get a lot of flack from people about having that person go into the restroom with you. This would be a really huge help for us, give us the chance to have whatever assistance we might need and do our business in peace. And if that's toe what freedom is all about, equality and all that good stuff. If you don't have access to the bathroom, you know, then you don't have very much in the community. And it really speaks to quality of life. And I know that there's been a lot of fuss made about transgender people and people being against this ordinance because of that angle, but really like I said freedom comes down to being able to do simple things like that in peace without being harassed. So we wanted to be on record supporting this for everyone. Everyone deserves to be able to have that ability and to have a moment of quiet reflection.

[05:51:34]

[Laughter]

>> Mayor Leffingwell: Okay. [Applause] thank you. Iowa solovitz. Correct me if I mispronounced your name.

>> You are actually getting quite good. Most people mess it up. I'm with adapt texas and like jennifer said before me and people will say after me, we support this ordinance or resolution because it means, you know, freedom in the community without fear of harassment for basic need. I've been several places whether it be our state capitol with people or in our airport and sometimes they will be harassed because their attendant is not of the same sex. But yet that is the only way they could use the bathroom. Again, adapt of texas supports this. Thank you.

>> Mayor Leffingwell: Thank you. Anna powell.

>> Thank you, mayor leffingwell and councilmembers. My name is anna powell and I serve on the board of the austin lesbian gay and chamber of commerce. We are looking forward to working with city staff and other stakeholders to come up with an ordinance that will be fair to everyone. The austin gay and lesbian chamber of commerce is an active, valuable resource of the lgbt business members for the city of austin. Thanks you for your support on this issue.

>> Mayor Leffingwell: Thank you. I'll entertain a motion. Councilmember riley.

[05:53:52]

>> Riley: I'll move approval.

>> Mayor Leffingwell: Councilmember riley moves approval. Seconded by councilmember martinez.

>> Riley: Mayor, I would like to offer a few minor amendments, really just your comments about getting more input. I've suggested

-- in addition to seeking input from the stakeholders previously I would suggest that we bring in the chambers of commerce, the austin independent business alliance and small business owners. So that's been added to the language that I passed out.

>> Mayor Leffingwell: Councilmember martinez, status factory?

>> Spelman: If I could add three more to that list, the building managers association, the austin hotel and lodging association, and the greater austin restaurant association. Are going to be immediately affected and we want to be sure to keep them in the loop.

>> Mayor Leffingwell: Adding three additional stakeholders is okay with the maker and the second? Those in favor say aye. Opposed say no. That passes on a vote of 7-0. So now we'll go to item 88, which legally requires a script with respect item

-- excuse me. Let me just say item 98 requires a specific script. With respect to 98 being an a nonconsent, authorize the use of the power of eminent domain to acquire the property set forth and described in the agenda for the current meeting for the public use described there in.

>> So moved.

[05:55:55]

>> Mayor Leffingwell: Councilmember spelman moves. Seconded by councilmember morrison. All in favor say aye. Posed say no. That passes on a vote of 7-0. [One moment, please, for change in captioners] but I thought we had sort of an overarching application process, selection process. I wanted to know how all that

-- how this would fit into all that.

>> Thank you, mayor, council. I'm the manager for the cultural arts division. If I understand it correctly, how does

--

>> Morrison: How would this 25,000 fit in with our normal process? Do we have extra money to allocate outside of that?

>> I would say that this would be in addition to on top of our normal process for allocation. There are no

-- technically no extra monies, but we do have a reserve that is required by council of 10% every year and then we do an additional five percent reserve by the arts commission. So that amount of money rolls over into the next year. And so that would be

-- if you're talking about the cultural arts fund, it would be tapping the reserve.

[05:57:59]

>> Do you have any other hotel occupancy tax money that's available to pay for this besides that? Do we have a fund of hot tax money.

>> There's the cultural arts fund and the convention center fund.

>> Morrison: I'm raising the concern because we haven't seen this before and I understand it was established sometime ago, a very methodical way for allocating those funds.

>> Council approved a matrix in 2005 that was intended to present a fair and equitable way of allocation. So we've used that matrix every year since, and so this would be on top of

-- outside of that process of review.

>> Morrison: Does this

-- has this organization been funded through that process?

>> Yes. This is a long-standing funded organization through the cultural arts division.

>> Are they currently being funded, so it would be on top of current funding?

>> Correct.

>> Morrison: And where are we in the cycle? Have they applied for more funding.

>> Currently as the fiscal year is ending, we're awaiting final reports from our contractors. We'll reserve them no later than October 30th. We've not currently received one for diverse arts.

Their current scope of work is Friday, jazz festivals and an exhibition that runs year long. There's nothing specific in the narrative that talks about an East End jazz and arts festival. So that is not included in the current contract scope of work.

>> Morrison: So this looks to be an event, the jazz and arts festival. It sounds like this is related to the current conversation about special events funding. Can you tell us where that discussion is?

>> And I couldn't answer that because that's being run through the special events office. So I don't know a timeline for that.

[06:00:03]

>> Morrison: It's my understanding that there was a suggestion to start using some of the cultural arts funding for events.

>> Correct.

>> Morrison: And that was very controversial, the arts commission I think passed a recommendation or a statement saying they didn't support that or had concerns about it.

>> Correct. Yeah, the arts commission did send a letter in support of finding alternative funding sources other than hotel occupancy tax, which was, my understanding, to offset the cost of the permit fees and general operating costs.

>> Morrison: And then one more question. You mentioned that this would come out of reserve funding. Have we ever

-- what do we usually do with reserve funding?

>> So the reserve funding rolls into the next year and so I can tell you 2009, 2010, when there was the recession, that is what saved a lot of the organizations. They didn't have such a hard hit when we didn't have as much funding. So we were able to tap those reserves. Although everyone did see a dip in funding, it was at a level that they could sustain themselves. So since -- actually, I think in 2005, council adopted this reserve to have some insurance and a way to supplement funds should there be, know, ebbs and flows in the funding.

>> Morrison: I see. And I see the assistant city manager Sue Edwards.

>> Council, assistant city manager Sue Edwards. You do have a policy that does speak directly to using the hotel-motel tax that economic development has directly for the cultural contracts in the format that they have, council approved the matrix. So I just wanted to clarify that.

>> Morrison: And this would it be outside of that.

>> Yes.

>> Morrison: Okay. So I guess it raises concerns for me and I'd love to hear some

-- if there's some suggestions about why we should be moving in this direction with a special exemption in this case.

[06:02:10]

>> Mayor Leffingwell: I would say thank you for catching that. I frankly missed it, but I was concerned about adding city sponsored events because city-sponsored basically means we pay money to do that. And I think we ought to be very judicious about events that we select. Some would say we already have too many, but that doesn't mean we can't have more. I just think it ought to be a very careful process. I'm very concerned if this, without any kind of input from the arts commission asking them to fund this. And that's a different way of funding it too. So frankly I'm not going to be able to support it with that source of funding without some kind of further analysis at least. Any other comments? Councilmember martinez.

>> Martinez: I'm the lead sponsor on this item. This is a nonprofit, not a special event that's for profit. It doesn't take away from our existing matrix, but I do understand and agree that it's outside of the normal process. Mr. McMullen has been producing events on the east end, on east 11th street for some years now, and this was simply a request to try to revive the austin jazz and heritage festival that was once an ongoing event and it hasn't taken place for quite some time. So I i just feel like the african-american quality of life report speaks to us supporting african-americans, cultural and heritage events specifically on east 11th street where this was once an african-american entertainment district here in austin. And so we thought to bring it to the council in full transparency to ask for that funding so that we could kick start the annual event at kenny durham's backyard. He is an african-american jazz artist. That's who the backyard is named after. I completely respect the council's wishes and this is just something that mr. McMullen, who has been a part of the african-american culture scene, has asked us to contemplate. He did email me kind of a full prospectus of the proposal and obviously out of reasons of caution I didn't forward it to the rest of the council, but it is public record and he asked that we try to make that available to the rest of the council as well. We can print that out and go through the clerk if we need to to put that information in front of you.

[06:05:01]

>> Morrison: If I could ask, one of the biggest concerns to me is stepping outside a very methodical process that we've had for a long time. Were other pots of money considered for funding this because it sounds like a terrific opportunity.

>> Everything else we would explore would have had to go through this budget process and as maybe that's appropriate. What we found was unencumbered discretionary funds that were in a reserve account and not allocated. So no event or is being sponsored. That's why we chose this route.

>> Morrison: The problem I have is if we're going to start spending that reserve fund there's probably a lot more money in it and maybe we can look at a whole way to do that. I don't think while aisle be able to support this, but I would love to see this if it doesn't pass, show up on the wish list that we will be considering through our budget cycle.

>> Martinez: I'll move approval of the item.

>> Mayor Leffingwell: Councilmember martinez moves approval. Seconded by councilmember riley. Mayor pro tem.

>> Cole: I certainly support this item and realize that there is a very long history in east austin of this type of music and venue and it certainly is a part of the quality of life, but I'll have to sayn

the interest of financial stewardship and us continuing to follow the process that we have in place, I believe that it should be made a part of the budget process and I will of course fully support it at that time. So I will make a substitute motion that we place this item as part of our budget deliberations which we are already in.

[06:07:02]

>> Mayor Leffingwell: So the motion by mayor pro tem would be to deny and to put it on the list of items to be considered during budget process. Councilmember morrison seconds that. Is there any more discussion? Councilmember tovo.

>> Tovo: I have a question. It's about the way these decisions are reached typically. Can you remind me when there's an application of this sort the arts commission gives us a recommendation, is that correct?

>> Correct. So we start taking applications in may and I'll make this really brief, but we do rely on a peer panel review in the spring and early summer and the arts commission creates a funding working group to look at the matrix and the various variables to determine the awards from a blind system. The arts commission did take action in august so it will come to you september 25th for your action.

>> Morrison: Can you tell me

--

>> Tovo: Can you tell me when they meet again?

>> September 18th is their next meeting.

>> Tovo: There wouldn't be a way for them to evaluate this application in light of additional fund something.

>> I would be happy to put it on their agenda and talk with the chair.

>> Tovo: But it sounds like it would be after our budget deliberation.

>> Tt's true, it would be.

>> Tovo: I think that we should make decisions consistently and fairly, and I don't see a way to resolve this particular issue with regard to our budget hearing so I will think about it. But I think if we typically ask the arts commission to weigh in and evaluate these kinds of proposals when we're using these funds I would like to get some input from them for this additional expenditure. So they have made a decision about diverse arts with regard to the rest of their cultural contract.

>> Unfortunately we did not receive an application from diverse arts for 2015, so they are not included.

[06:09:08]

>> Tovo: In 2014 they received funding for our cultural arts program, but they did not apply this year.

>> Correct, for fy '15.

>> Tovo: What are the typical amounts awarded for the cultural arts program?

>> They vary. It ranges from a category of 200,000 for larger organizations down to 5 through for some of the smaller. Again, it's based on an average of organizational budgets, score and

point deduction.

>> Tovo: Thank you very much.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: When we take a vote, please show me as recused on this item?

>> Mayor Leffingwell: Councilmember spelman is recused. So this will be a vote on the substitute motion by councilmember cole to deny and consider at a later time or during budget time. Councilmember martinez.

>> Martinez: And I appreciate the discussion and I think councilmember tovo points out a very good point, that if we address this in the budget it's going to be a singular item based on one motion. It's not going to go through the cultural contracts matrix and bidding process because as ms. Krueger just mentioned to us, that's already been conducted and their recommendations are forthcoming. So I think in essence if you're going to make a motion that it go through the budget process you should make a substitute motion to deny it because there's not going to be an availability in the cultural arts funding to do anything during the budget process. It would just have to be discretionary or additional spending that's available to the council during the budget process.

>> Mayor Leffingwell: Okay. So the motion is to deny with additional direction. Councilmember morrison.

>> Morrison: Just a follow-up on the last comment. When I'm think being it going through budget process, I'm thinking explicitly that it's not part of the cultural arts funding because that is outside the realm of that, but due to special circumstances of this particular african-american quality of life related thing, to actually look for funding in the general fund, that's what I would look forward to supporting in the budget.

[06:11:29]

>> Mayor Leffingwell: So the motion

-- mayor pro tem, do you want to change your motion?

>> Cole: No. I simply made a motion to substitute to deny for us to consider it during the budget process because there are several items during the budget process that have not gone through all of the procedures that we go through, but we consider them during the budget process simply because we can look at all of them and make a decision about the funding and amount and evaluate them. So I am still continuing with my motion.

>> Mayor Leffingwell: Good. I would seek the input of the arts people in helping us make that decision at budget time because it is a special situation. But of course another alternative is it wouldn't be in the budget and go back to the arts commission for approval at a later date. What we're dealing with now is basically a motion to deny with additional direction.

>> Cole: Yes, mayor. I will say that I will definitely talk to my arts commissioner and ask for other input and ways that we can do that and obtain that type of feedback.

>> Mayor Leffingwell: There's a good way to do that. That would be very helpful, I think. Those in favor of mayor pro tem's substitute motion say aye. Show of hands on this one. Opposed? That passes on a vote of four-two with councilmember riley and martinez voting no. So that motion is denied. Going now to item 99. There are no speakers signed up on item number 99, so the public hearing has been closed actually. So I'll entertain a motion on 89. It says conduct a

public hearing and consider approval of the anne and roy butler trail on the southeast shore of lady bird lake from i-35 east to longhorn dam at pleasant valley road. Councilmember morrison.

[06:14:03]

>> Morrison: Thank you for reminding me what that one was. I wonder if staff is here because I am prepared to make a motion if our parks staff is here. We postponed this one last time to give us a little more time to think about it. I was interested in having more time to review it, but also because it has some references to the proposed bridge in the holly shores master plan, which we know is a completely open topic. And so if staff shows up, what I would like to do is propose that we go ahead and adopt this master plan, but with

-- with specific direction to bring it in to alignment

-- to bring it into alignment with whatever happens on the holly plan. Welcome, ms. Wright. Sorry to give you such short notice.

>> Thank you. Cora wright, assistant director for the parks department.

>> That's why they call it the bull pen.

>> That's exactly right.

>> Morrison: So ms. Wright, I think that

-- I'm comfortable in moving this master plan forward, except for one thing. It has references to the controversial bridge in the holly shores master plan, and so

-- part of this might be a legal question too. I would like to be able to have it go ahead, move forward with it, adopt it on second and third reading, but with the direction that as soon as we figure out what the bridge situation is in the holly plan, that this plan for the shore would be brought into completely complete alignment into what we resolve there.

>> Hearing that, councilmember morrison, we can totally support that. We know it's been a point of discussion at the community level in both master plan processes it makes sense to us that there would be alignment at some point in the future.

[06:16:04]

>> Morrison: Okay. Terrific. That will be a motion for approval on second and third reading with direction to

-- to get it fixed. To be consistent with will holly shores plan.

>> Mayor Leffingwell: Motion to approve on second and third reading with direction. Is there a second? Seconded by councilmember martinez. Discussion? All in favor? Opposed say no? It passes on a vote of seven to zero. Which brings us to item 100, which is third reading of parkland located at 3,000 dell curado. And this public comment period has been closed. Mayor pro tem.

>> I know we've had a lot of discussions in the neighborhood about this item. I would like to make a motion that we continue to name the park after the south lamar neighborhood, but we name the bridge after mr. Lassiter.

>> Mayor Leffingwell: Okay. Completely changing on third reading the proposed name of the park. Is there any problem with that from legal aspects? Okay. All right. So that's a motion by

the mayor pro tem to name the park south lamar neighborhood park. Is there a second for that? Seconded by councilmember tovo.

>> Cole: With explicit instructions that the bridge be named for mr. Lasster.

>> Mayor Leffingwell: I will say we've had this discussion twice before and I'm going to vote no on this motion. And continue to support the naming of the park as was passed on first and second reading. Councilmember martinez.

[06:18:05]

>> Martinez: Obviously this council is I wouldn't call it divided, I just think we have different viewpoints on where to end up on this naming. And mr. Lasster obviously is certainly deserving the recognition and the south lamar neighborhood association is certainly deserving of recognition as well for their efforts in getting this park to where it is and to making it come to fruition. Starting with the zoning case that happened many years ago. So in a spirit of compromise, I'm going to make a substitute motion, don't know that it will pass, but I'm going to make a motion that we name the park the tom lassiter south lamar neighborhood park.

>> Mayor Leffingwell: Okay. And that was a compromise.

>> Martinez: It was. It's a stab at it. The tom lassiter-south lamar neighborhood park. That's my motion.

>> Mayor Leffingwell: Is there a second for that?

>> Martinez: Let me just say this: I voted on first and second reading for tom lassiter park because I truly do believe he is an exemplary citizen deserving of consideration, but I have heard from many of the neighbors and I wish there could have been a promise, but each side seems somewhat entrenched, so I'm trying to bridge that gap, if you will, and incorporate both names that I think are both deserving for this open space. And if it doesn't pass, then I will continue supporting tom lassiter park.

>> Mayor Leffingwell: Councilmember riley?

>> Riley: I'll second that.

>> Mayor Leffingwell: I would like to make a friendly amendment that we name it the tom lassiter park with the south lamar neighborhood bridge in the middle of it. [Laughter]

>> Martinez: That's not friendly, mayor.

[06:20:07]

>> Mayor Leffingwell: All right. In that case I won't support the motion. So that's a motion with a second by councilmember riley, and that is a substitute motion.

>> Tovo: I have a question. Would you mind saying the name again?

>> Martinez: The tom lassiter south lamar neighborhood park.

>> Cole: I would like to hear from

--

>> Mayor Leffingwell: Mayor pro tem cole.

>> Cole: I would like to hear from someone from the neighborhood that could briefly speak to that. Is anyone from the neighborhood

-- is anyone from the neighborhood here?

>> Mayor Leffingwell: Mayor pro tem, if that's a special request we can deviate and let that happen, but the public comment period has been closed.

>> Cole: I know the public comment has been closed. Okay.

>> Tovo: Mayor? And since we don't have anyone from the public here I wonder if we could lay this on the table for a little bit and take it up and we can perhaps reach out to someone of the people who are most involved?

>> Mayor Leffingwell: Public comment period has been closed and we would have to have a vote to reopen that.

>> Tovo: Right. I wasn't suggested that we put out phone calls and have people come down, but we could communicate with some of the people who are most involved and see -- take their pulse.

>> Mayor Leffingwell: Ms. Hensley, would you come up and speak to that, please. Speak to this issue.

>> Thank you, mayor. Sarah Hensley, director of parks and recreation. We have Greg Montez here as well. I really have to say honestly we've beat this one up and down and we've been back and forth. It's been before the parks and recreation board -- I think councilmember Martinez said it best. This is one that we just don't have an agreement on and we have tried our best. We have beat the bushes getting out to the public and talking to both sides. We've gone through the parks and recreation board. They as well have concerns and were concerned. They wanted to be able to try to honor both South Lamar and Tom Lasseter park. We really are at a point where I think any more public input is going to get the same amount of information you have before you, and it is split.

[06:22:33]

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: Well, I am going to support the substitute motion because I definitely think it's important that we have the neighborhood noted on there and I also don't believe that we will get the neighborhood noted on there if we don't delay this item, the substitute motion.

>> Mayor Leffingwell: So are you withdrawing your motion?

>> Cole: Yes.

>> Mayor Leffingwell: So substitute motion now becomes the main motion. And I would like to pass the chair and make a motion that we name this the Thomas Lasseter neighborhood park as on first and second reading.

>> Martinez: Mayor?

>> Mayor Leffingwell: Councilmember Martinez.

>> Martinez: I'll just note on first and second reading it's Tom Lasseter, not Thomas Lasseter.

>> Mayor Leffingwell: Okay. Is that correct, Tom Lasseter? I stand corrected. Is there a second to that. Seconded by councilmember Spelman.

>> Cole: Did you split

-- Mayor Leffingwell made a motion and that was seconded by councilmember Spelman.

>> Tovo: Mayor?

>> Cole: Councilmember Tovo.

>> Tovo: I would like to speak to this motion. There has been a lot of stakeholder input and clearly this is a piece of public land that a lot of people feel very strongly about and I think what we have, we have an opportunity here today with the proposal that my colleague cleverly offered to honor both the gentleman who lived there as well as the neighborhood association who fought for years to make sure they had parkland within their boundaries. So I would
-- I am going to
-- I'm not going to support the motion that's before us to name it tom lasseter park. I think the alternative, the tom lasseter south lamar neighborhood park is a far better alternative and recognizes all the parties who are involved in making that place possible.

[06:24:43]

>> Cole: Okay. We have a motion and a second. All those in favor say aye?
>> Mayor Leffingwell: That's on the substitute motion, correct?
>> Cole: On the substitute motion that you made.
>> Mayor Leffingwell: Yes.
>> Cole: Those in favor say aye, mayor leffingwell, councilmember spelman and councilmember riley. Those opposed say no? Those opposed are councilmember martinez, councilmember tovo, councilmember morrison and mayor pro tem cole. That fails on a vote of four-three. So we're back to the main motion, and I will turn it back over to mayor leffingwell.
>> Mayor Leffingwell: The main motion, all those in favor of the main motion signify by raising your hand. Those opposed? It passes on a vote of five-two with myself and councilmember spelman voting no. Okay. That brings us to item 154.
-- Excuse my. We'll consider now items 151, 152, 153 and 154 together. If there's no objection. So all these items relate to compensation benefits for council appointees, including the city manager, city clerk, city auditor, municipal court clerk, mayor pro tem cole and I have proposed these resolutions in an ordinance. One of them is an ordinance. They were posted as backup items, contain language concerning the compensation and benefits and these appointees beginning with the first pay period of the next fy. So the motion would be approval of items 151 to 154 on all three resolutions and the ordinance before you. Is there a motion?

[06:27:15]

>> Cole: So moved, mayor.
>> Mayor Leffingwell: Mayor pro tem so moves and I will second. Let me state by way of background that the mayor and council have evaluated the performance of these appointees separately during executive session and they were held june 12th and june 26th of this year. The resolution and ordinance propose salary adjustments for those appointees based on those evaluations. The resolution for the city manager states his current annual salary at \$269,755.20. And adds a cost of living wage adjustment in the same amount and under the same conditions as the annual base pay adjustments that non-civil service employees receive as a part of the annual budget process beginning with the first pay period of the 2014-2015 fiscal year. The resolution for the city clerk provides for a 5.5 percent adjustment to her annual salary that results in a new annual salary of \$123,094.45 beginning with the first pay period of the 2014-

2015 fiscal year. The resolution for the city auditor will keep the city auditor's annual salary at its current amount of \$142,568.20. The ordinance for the municipal court clerk states her annual salary of \$123,843.20 and adds a cost of living percentage adjustment in the same amount and under the same conditions as the annual base pay adjustments that non-sworn employees receive as a part of the annual budget process beginning with the first pay period of 2014-2015 fiscal year. The ordinance also proposes an increase in her cell phone allowance of \$43.86 each pay period to be in alignment with the allowance provided to the city clerk and the city auditor. All of the other compensation and benefit terms for these appointees remain essentially unchanged from their present levels. Councilmember Spelman.

[06:29:26]

>> Spelman: Mayor, I believe the resolutions before us are accurate so far as they go, but I think there may be some discussion as to whether they are complete. And I would suggest that we go into executive session for a very short period of time just to clear the air and make sure we're all in agreement that they are in fact complete.

>> Mayor Leffingwell: We have a motion with a second on the table and a request to go into executive session for further discussion. Is there any objection to that? So we'll place this item on the table and without objection we'll now go into executive session to discuss personnel matters under

>> Mayor Leffingwell: We're out of closed session. In closed session

-- we're out of closed session. In closed session we took up and discussed items 151 through 154. Now, the council will go back into session to take up four items. Pursuant to

-- I don't think my speaker is on. Is it? Is my microphone on? Okay. There we go. The council will go back into closed session to take up four items. Pursuant to section 551.071 of the government code, the council will discuss

-- will get legal advice on the following items, item 152 resolution relating to the compensation of the manager. Item 1

-- excuse me, that's item 151. Item 152, compensation relating to compensation of the clerk. Item 133, resolution relating to compensation of the auditor and 154, resolution relating to the compensation of the municipal clerk

[06:33:00]

>> can you turn on the mic? Can we turn on the mic? Test.

>> Mayor Leffingwell: We're out of closed session. In closed session we discussed legal issues related to items 151 through 154. So council member Spelman.

>> Mayor, I move to postpone action on items 151 through 154 until the 25th of September, 2014, with direction to staff that the posting language for all these items be sufficiently broad to allow for provision of written documentation.

>> Mayor Leffingwell: Motion by council member Spelman. Is there a second? Second by council member Martinez. Those in favor say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 5-2 with myself and mayor pro tem cole voting no. Is mr. Guernsey here? I thought maybe we could do the 4:00 postponements.

>> Thank you, mayor and council. Greg guernsey plan and development department. I can offer a couple items for postponement, on the 4:00 p.M. Agenda, first item is number 138, this is regarding a public hearing regarding efficiency dwelling units and multi-family units. Staff is offering a postponement of 138 until october 2. Staff is also offering no.145. This is a public hearing regarding the boundary of the northwest park and ride, transit oriented development. Staff is offering a postponement of that item to your september 25 agenda. Mayor, I don't believe you have any speakers on 146 and 147. I could offer those in a way if you would like, just present those since there are no speakers, you could actually take those and approve those.

[06:35:44]

>> Mayor leffingwell: First let's entertain a motion to postpone item 138 until october 2, and item 145 until september 25.

>> So moved.

>> Mayor leffingwell: Council member speaks man so moves.

>> Second.

>> Mayor leffingwell: Second by council member martinez. Those in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. Okay. Go ahead with your next.

>> I would offer item no. 146, this is conduct a public hearing and consider an ordinance amending city code chapter 25-10 regarding the placement of signage on legally permitted rights of way installations. I don't believe we have any speakers on that that are signed up in favor or opposed.

>> Mayor leffingwell: I'll entertain a motion to close the public hearing and approve the ordinance.

>> Approve.

>> Mayor leffingwell: Council member spelman moves. Discussion? Those in favor say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. That passes on a vote of 7-0.

>> Mayor leffingwell: Mayor and council item 147, this was to conduct a public hearing and consider an ordinance amending city code title 15 to allow independent school districts to install and modify temporary and nonelectric signs without a permit. That's item no.147. Staff would offer that recommended for

--

>> mayor leffingwell: No speakers signed up wishing to speak so I'll entertain a motion to close the public hearing and approve the ordinance.

>> So moved.

>> Second.

>> Mayor leffingwell: Council member martinez so moves, second by council member spelman.

Discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. Passes on a vote of 7-0.

>> Thank you, mayor and council. I don't believe there are speakers signed up or opposed to item 148 but I realize it's related to item 175, which you have some speakers.

>> Mayor leffingwell: Right. So we will go back to our agenda. Item no.155. It's actually a misprint. Apparently it's

-- but it's not a fatal misprint. The posting language calls for the

-- refers to the kinser butler pitch and putt. The actual name is the butler pitch and putt. So this item has one speaker. Who pulled it? 155 pulled by council member spelman. Do you want to hear from the one speaker first or

--

[06:38:36]

>> spelman: By all means.

>> Mayor leffingwell: David king.

>> Thank you mayor and council members. My name is david king and I live in the zilker neighborhood and the pitch and putt, we consider this part of our neighborhood park, and actually the kinser family lives in my neighborhood, lee kinser lives in the zilker neighborhood so she is important to us. So I'd just like to say

-- share with you that we'd like to for you to extend the lease with the kinser family so it can continue to operate the pitch and putt as a low cost family-friendly low-key putting park, and I'd like for you to consider the information from lorri wal who is working with her to keep the contract with austin. It's been family-owned and operated for more than 60 years. Douglas and winston kinser opened the course on june 1, 1950. Ownership has been passed down through the kinser family and lee kinser is now the current operator. For 64 years the kinser family has been solely responsible for the maintenance, landscaping and operation of the golf course. With 30 years of experience managing the butler course, lee kinser has worked to make the course friendly and affordable to all, maintained

-- maintained in a green environmentally sound space. Lee prides herself on maintaining the course with pesticide-free and natural lawn care materials and is quick to point out the fruit-bearing banana pecan trees planted by her family as well as the 19 documented heritage trees on the property that are more than 100 years old. Lee believes in giving back to the community in sharing the game of golf with others. She offers a two for one seniors discount rate for school golf programs and donates green fees to organizations like big brothers and big sisters, and the animal trustees of austin, to name a few. The butler pitch and putt is a much loved austin gem and community epicenter. The

-- I'd like to also make a point that this is

-- the parks department is trying to get more revenue out of that pitch and putt, and their goal is to try to, you know, generate more revenue to help pay for park maintenance. So here we are trying to get this park to

-- to change the focus of this park from being low cost family oriented to generate revenue.

Let's have more concessions and that's what we're doing with more and more of our parks.

That's the direction we're going, auditorium shores, waterloo. The list goes on and on and on. Sil ser park, more and more events, more and more money to make money off of our parkland. How much longer

-- how far are we going to take this? Is the purpose of our parks going to be just to generate revenue off of them, to keep funding them? And what is that going to do? Is it going to shut down this family oriented golf facility? Thank you for your time.

[06:41:51]

[Applause]

>> mayor leffingwell: Council member spelman.

>> Spelman: Mayor, is somebody from the parks

-- there somebody from the parks department who could speak to this item? Ms. Hensley, if you were to issue a solicitation, which is

-- well, first, what is our common practice

-- let me back further up. I think I can start here. What is the current status of our contract with the operators of the butler pitch and putt?

>> Sara hensley, director of parks and recreation. We have basically notified them that we're not going to extend a contract, which kicks in a period of time that then we would do a solicitation, competitive solicitation. During that time you extend the current contract with the current contractor so that there is someone operating the facility until you complete a competitive process.

>> Spelman: So we had a contract with the operator of the pitch and putt.

>> Yes.

>> Spelman: That had an expiration date.

>> Yes.

>> That date has expired?

>> Yes, we did not exercise any options and we notified her.

>> Okay, and you notified them that we're going to go out

-- we're going to go out for bid?

>> Yes.

>> Spelman: Is this our normal practice when a contract expires?

>> It is, particularly now as we work through our parks and recreation board and they asked that we not automatically renew contracts but to go out and competitively bid them.

>> So this is direction you got from the parks board that we all appointed, is that you go out for bid at the end of the duration of the contract?

>> And it was recommended by them to do so after we presented them with a complete report of our concessions and the years of our concession agreement.

>> Spelman: Okay. Do they have anything particular to say about this particular concession or was this generally about all concessions?

>> They had a lot to say, yes, and they had a lot to say about others, and that they felt like when we had a contract

-- and I want to be clear. I believe I've stated this before, we as a staff years and years ago did not do a very good job of monitoring these, and so quite frankly, we would have probably said

we shouldn't have kept something going on for 50 years without renewing it or taking a look at it competitively. The parks and recreation board spoke up loud and clear with us, and I think you all received a memo of their comments, which was don't automatically renew terms on a contract. They need to be competitively bid. You need to be looking at what is a reasonable rate of return on the use of public parkland, and then they wanted us to add in the items in agreement, such as quality programs, diversity and age and bringing in more people, whether it was golf or other things, so they had a lot to say.

[06:44:45]

>> Spelman: Okay. So you're anticipating my questions wonderfully well. The one of the -- one of the points of the discussion, one reason for issuing a solicitation is to get a better return. Our return is lower on this concession than it is on other concessions in other parkland areas?

>> That's correct.

>> Spelman: Another reason for considering

-- issuing a solicitation is to see rent on

-- whether or not we can get better services, in this case a better clubhouse, ada compliance, things like that, landscaping.

>> That's correct.

>> Spelman: Okay. If you were to issue a solicitation, you're going to get some bids back, what options do you have for those bids? What can you do with them?

>> Well, we go through a pretty competitive process, but we work with the purchasing department, certainly the law department, and there will be a public comment period. There's -- we took a lot of input when the dougherty arts center had input about they wanted it to stay a pitch and putt, that is our intention, not to change what would be there and we know the citizens like to have something like that there. The evaluation part of it is looking at family-friendly activities, diversity in age and increasing usage, improving the quality of the infrastructure, looking at instructors for lessons to grow the game of golf at a small place like this is one of the best places to do that and growing the game of golf. Those kinds of things we would evaluate and that's the things that we were looking at as part of a request for proposals.

>> Spelman: Would you have to take the lowest bid? Use not necessarily, and, you know, staff would do their due diligence working with the group to recommend the best quality program, and to counsel, to say, and through the parks board, this is what we would recommend and why.

>> Spelman: Okay.

>> And that would be staff's recommendation of what we believe to be the best offer.

>> Spelman: Okay. Would

-- you've got, say, eight proposals, and you've decided you like one of these the best. You recommend it to us. Would we be required to choose the one that you recommended to us?

[06:46:52]

>> No, you would not.

>> So if we thought another proposal was better on balance, based on our understanding for the benefits provided by a different proposal, we could choose a different proposal?

>> That's correct.

>> Spelman: Would you have to pick any of those proposals? Could

-- if you wish

-- a solicitation, you get a bid, you say I like some of these ideas but I don't want to take any of these proposals. Could you do that?

>> No, we do not. We do not have to take those, and frankly, if we came to council and presented a proposal we liked the council did not select it, they would not have to select that.

>> Okay. It seems to me from your point of view based on your discussions with parks board -- the parks board's point of view, based on their understanding for the value of our contracts and the value of the solicitations in general, you and the parks board both agree that issuing a solicitation for proposals is the right thing to do for this particular -- this particular contract?

>> Absolutely. Absolutely, 150%.

>> Spelman: And we have tremendous

-- you have a lot of flexibility and this council has a lot of flexibility as to what we're going to do once we get bids back as a result of that solicitation.

>> Yes, sir, we do.

>> Spelman: Thank you very much, sara. I appreciate your help. It seems to me that the solicitation doesn't hurt a thing. We gain a lot of information. We may get a bid which we all agree is better than what has happened in this place in the past. We might conclude that the bids have provided us with some useful information, which could then go back to the current holder of that concession and can improve services, and we could continue to do business with the holder of the concession, but choose the terms of the concession so they could provide better rates to the city. We have lots of things with solicitation and gain something valuable which is a lot more information about what could go in this valuable piece of land very close to a place where many thousands of people walk every day. Given the value of this land, given what we could do with it I think we owe it to ourselves to get as much information as we can about what can go there. So I'm going to vote against the resolution.

[06:49:04]

>> Mayor leffingwell: Do you want to make a motion to

-- there's not a motion on the table. Yes, sir?

>> Move approval.

>> Mayor leffingwell: Council member spelman has the floor.

>> Spelman: I feel uncomfortable moving to deny another council member's motion. I'll simply vote against it.

>> Mayor leffingwell: Well, let me say that

-- I agree with your comments, and I think I would put it a little more strongly even. I think we have a duty to all the citizens of austin to make sure that we provide the best park experience for them, and that certainly the value of the franchise in terms of dollars is important. Other factors, exactly what they're going to do with the park improvements to be made, services to

be available for citizens all over the city. So the park belongs to all those people. I've talked over the past couple of years about how our park system as a whole has been suffering from lack of money. We got a lot of park space. We're on a par with the amount of park space that we have, but we're subpar with the amount of money that we spend on maintenance and sustaining these parks. And we've got to find other ways to do that. We're on track to do that with the establishment of a couple of park conservancies around town where groups of individuals are raising money privately to help maintain these parks. That's just one example. But in the meantime I think it's more than something desirable that we should do to try to find the best outcome, not locking ourselves into anything, but we actually have a duty, I think

-- I have a duty to the people of Austin that make the best of the park for all the people, not just have the

-- and I have the greatest respect for the people who have operated the park all these years and they're very welcome to participate in this rfp process, and I hope they succeed, frankly. But I'm not going to support the resolution. Council member Martinez?

[06:51:15]

>> Martinez: Thank you, mayor. I think we all have a duty to do what we think is best for the citizens, and in some cases sometimes that means standing up for something that is iconic and unique and special, and in this case I think that's what we're facing. And staff certainly has all the authority that they need under our current policies to go out and seek other input. What we're trying to do is start a conversation of a place where we currently exist with the Kinser family, and if we can come up with an agreement that meets staff's goals of potentially making a better experience and possibly even increasing revenues with the existing operator, I think we should at least start there. This council, when it's brought back to us, has right to reject that and then go out for a totally separate process. But I spoke with Ms. Kinser earlier and I wanted to see if she was still here. Dave

-- maybe the representative

-- Ms. Kinser, if you're not comfortable, maybe your representative can speak. Okay. Mr. Hartman?

>> David Hartman representing Lee Kinsler, Butler Pitch and Putt.

>> Martinez: I wanted to

-- can you lift your mic? I don't think people can hear that you well.

>> You bet.

>> Martinez: I wanted to bet, you and Ms. Kinser spoke earlier today, and specifically some of the individuals that are floating the idea of a better experience at Butler Pitch and Putt is exactly some of the folks that you all have spoken with, is my understanding. Is that correct?

>> I guess if you're alluding to the entity that emailed council today

--

>> Martinez: No, I'm talking about Mr. Crenshaw.

>> Sure, Mr. Crenshaw is a strong supporter of Lee's and they've had a long-standing relationships. He plays out there today.

[06:53:17]

>> Part of the conversation we had today was if the Kinser family would consider partnering with Mr. Crenshaw and maybe having this conversation with staff about some of his ideas for making that better experience happen, and the response from Ms. Kinser was she felt like he would be extremely receptive to that because he's so supportive of her family.

>> Absolutely. Absolutely.

>> Martinez: And so I think there's an opportunity for the best of both worlds. We have some folks out there that have some great ideas and that are certainly icons in and of themselves as Austinites with Mr. Ben Crenshaw, and I think it would

-- it could potentially be an incredible partnership if someone like Mr. Crenshaw was to join with Ms. Kinser, you know, and talk about how to make that experience better at Butler Pitch and Putt. So I think the item is worthy of our consideration. I think we cannot accept anything that may come back to us and go out for a new process if we're not happy with it. So I'll move approval of the item.

>> Tovo: I'm going to second that, Mayor.

>> Mayor Leffingwell: Council member Martinez moves approval, Council member Tovo seconds.

>> Tovo: And I'd like to speak to that.

>> Mayor Leffingwell: Go ahead.

>> Tovo: My support for it. I do want to start off by asking Director Hensley just a few questions. Ms. Hensley, I got some numbers from Mr. Hartman about the Butler Pitch and Park

-- Putt

-- Butler Park Pitch and Putt, and they look good. I mean, they've increased their rounds from 2003 to 2012. The rounds of golf played increased from 14,278 to 38,969. The revenues

-- the gross sales, rather, during that period of time increased from 111,000, just under 112,000 to 354,000. So clearly

-- clearly this is a very popular activity. It is enjoyed by many, many people. I've got an inbox with 322 emails in it. I think all but one in support of keeping the operation under the Kinser family and keeping the Butler Pitch and Putt as it is with some upgrades. But Mr. Hartman suggested in the letter that Hancock Golf Course's revenues are less, and I wondered if you

-- I'm sorry to put you on the spot. I don't know if you have those numbers available.

[06:55:44]

>> I know Kevin -- doesn't seem like

-- Sarah

-- Parks and Recreation. I'm going to let him answer that because he has a closer number.

>> Tovo: I appreciate it.

>> Kevin, manager for golf. We make about \$240,000 in green fees and cart revenue and another 100,000

-- or about \$65,000 in merchandise sales which includes food, packaged items

--

>> Say them again? 240 are the green fees and carts and then we do about another \$65,000 in other miscellaneous sales.

>> Tovo: And those are gross sales?

>> That's right.

>> So the gross sales at hancock are less than at the pitch and putt?

>> That's correct.

>> The well, thanks. Yeah, I agree with many of the comments that have been made by my colleague council member martinez and we had an opportunity to talk about this last week and it seems to me that there were several concerns that were identified by the park staff and I think they're very valuable concerns. One is the revenue share agreement is not up to the standards of our current revenue share agreement. The second was the ada accessibility. The third were some grounds improvements. Do you think that

-- does that about capture the main concerns that the department and the parks board had?

>> We're sharing diversity of programming and offering of lessons and things to grow the game of golf, infrastructure issues related to the grounds but the ada accessibility, trees that haven't been pruned for years or taken care of, just overall lack of major improvements or investment into the facility, like

-- and different from what we've seen with other concessionaires that we have, but that pretty much wraps it up.

>> Tovo: Great. It's my understanding from meeting with

-- with ms. Kinser and her representative that they are very willing to sit down with our staff and look at making changes to all of those areas. Mr. Hartman, I see you nodding. Am I capturing your comments? And I think it's of great importance that we retain these kinds of iconic places. Austin is changing and growing and transforming dramatically and this is a spot that's clearly got a place in our community, and I'd like to see it continue in the same way. So I'm very supportive of moving forward and we'll see what it looks like when it comes back to us.

[06:58:04]

>> Mayor leffingwell: Sarah, don't go away. I just wanted to comment on the

-- we're talking about gross sales.

>> Yes.

>> Mayor leffingwell: But let's talk about money that comes back to the parks department from both those places.

>> Well, kevin gave you our gross sales and what we have net comes directly back to us. When you look at the sales we get, we get 6%, which is the second lowest of any concessions around this area.

>> Mayor leffingwell: You're talking about butler

--

>> averages a little over \$17,000 over a five-year period. Not back to 2003 but about 17,000. So the average over the last five years for the operation has been a little over \$300,000. If you average it for the parks and recreation department, the average for us from a revenue sharing standpoint is a little bit over \$17,000.

>> Mayor leffingwell: Okay, so what happens to the rest of that money?

>> Well, I believe obviously ms. Kinser has to have

-- she pays her salary and then she has some help there, and then she

--

>> mayor leffingwell: So the rest of it is overhead?

>> Yes.

>> Mayor leffingwell: So you get 17,000 out of a \$300,000 gross?

>> Yes.

>> Mayor leffingwell: And do you have comparable numbers for hancock?

>> We

-- we have comparable numbers for hancock. We also have comparable numbers for other concessions in the town lake area that pay anywhere up to 11% of the revenue sharing.

>> Mayor leffingwell:11

-- now we're talking percentage. What does this translate to in percent? 17

--

>> approximately 6%.

>> Mayor leffingwell:6%. So didn't you

-- didn't you recently change

-- you didn't change owners but you required an rfp process for the iconic hamburger stand at barton springs pool?

>> We are now. We've notified them and we're beginning the process for that for the concession there. We're not automatically renewing that one and we didn't do an automatic renewal for the rowing dock or texas rowing, even though they requested that. We've moved forward with a request

-- I mean, we moved forward so that we could not extend automatically.

[07:00:07]

>> Mayor leffingwell: Yeah. So as I say, I think we kind of have a duty to get the best deal for austin taxpayers, and there's no reason

-- no reason at all why

-- in fact, I don't think I would support an rfp that came back and said I'm going to convert this into a ferris wheel or an amusement park or something

-- I would support an rfp that came back as a pitch and putt, but, you know, a better pitch and putt that provided a better

-- a better deal for the city and it's just

-- otherwise, if you don't take that attitude that you want to have

-- give everybody a chance to have this franchise, for what you want, for the kind of facility that you want there, you're really in a way kind of subsidizing somebody. And I just don't think that the city ought to be in the business of subsidizing operators just because they've been there for a long time. We appreciate that, the fact that they've been there for a long time and they've provided that amenity for the city for a long time, but they have

-- there's no reason why kinser can't continue to operate that with a competitive rfp, and as bill

-- as council member spelman said, this is a process that we're going to go through to see what we can do. We don't

-- that doesn't obligate to us make a change. It's just

-- it just widens the possibilities. So I'll still vote against it. Council member spelman
-- or morrison?
>> Spelman: She was first, I think.
>> Morrison: Thank you, mayor. I am going to support the motion, and I appreciate my colleagues bringing this forward. I think that, you know, as we
-- we talked about this before when we were talking about it in terms of the budget, and really for me it's quite clear we
-- this is
-- this is kicking off a process to see if we can bring this really up to speed and the same standards that we use. You know, shame on us for letting it go so long without raising the issue about having a fair return. On the other hand, my support of this is supporting other values besides just money. Yes, we need to be able to get adequate money, but I want to be able to give a nod to the tradition and the significance of what this has meant and will continue to mean, hopefully, to people in the city of austin. So with that I will support it.

[07:02:32]

[Applause]

>> mayor leffingwell: Any other
-- other comments?
>> Mayor?
>> Mayor leffingwell: Council member spelman.
>> Spelman: It seems to me if there is anything iconic about the pitch and putt, it is the fact that there is a pitch and putt located where it is. And the fact that it has had the same operator for many years I think is as opaque to the average user people. They go in, they pitch, they putt, they go through the round of golf and leave and don't know who they're working with, don't know who they're dealing with. There's nothing there which speaks to the same operator over many years other than it looks about the same as it did 50 years ago. It seems to me we're not
-- we're not doing ourselves any favor by identifying the operator as iconic as opposed to the use of the facility, which is iconic. The other issue is that we do have a
-- I'm given to understand that we have a policy for parks concessions requiring that expiring concession contracts go through an rfp process. This is what we were informed by the law department and I want to talk to someone from the law department as to what our legal requirements would be in this case.
>> Robin harris, assistant city attorney.
>> Spelman: Sir, I'm given to understand that we would
-- someone in your office suggested that we would have to waive our standard policy to issue a solicitation at the end of a contract period for a concession.
>> That is correct. There's a current parks policy that was passed by resolution that can be waived by council.
>> Spelman: So we would
-- we would
-- what would that mean? Would we actually have to have a line in the end of the resolution?
>> It would

-- I believe it is something that was done with the
-- the youth hostel recently, to be honest, I don't have much experience here at city hall. I've been a prosecutor and came over, so it is something that that can be done from the dais waiving that prior resolution so that it doesn't apply specifically to this rest resolution as passed.

[07:04:53]

>> So one way to do this would be to add a line, be it further resolved that the city council waives the parks policy, which would ordinarily require a solicitation upon expiration of a contract concession, something like that?

>> Yes.

>> Spelman: Okay. Thanks. I just wanted to

-- I just wanted to point out that we do have a formal policy. We're going to have to wait for a formal policy if we pass this resolution. One final point. Council member martinez suggested that

-- suggested to me that there may be some confusion about what this resolution does. This resolution would ensure that we do not issue a solicitation at least until we have had conversations with the kinser family, and it seems to me that we should do that in reverse. We do the solicitation first, see what other ideas are out there and then if we'd like to have conversations with the kinser family we can actually have those conversations with full information as to what other options are out there and what else could happen in this extremely valuable piece of land.

>> Mayor leffingwell: Council member riley.

>> Riley: This item brings back a lot of good memories for me. Growing up in austin my family spent some very happy times on that course. I agree completely that we have some responsibility to make sure that our parks facilities remain in good condition, that they be kept up appropriately, and we do have policies to be mindful of, but my sense is that the way the resolution is structured actually allows us the opportunity to make sure that there is ample consideration of other possibilities for the park, and I'm glad to hear from ms. Kinser's representative that they are open to considering some

-- bringing some new energy to the park, not to transform it into something different but to bring new life to it. And really, that is

-- that speaks to the general sense that I think that I was hearing from a couple of colleagues about our responsibilities for the park. My concern about getting into a competitive process is that once we go down that road, then you'll start

-- tend to start seeing competing proposals crystalize in a way that makes it

-- that draws sharp lines between the different proposals. My hope is that by working cooperatively with the kinsers

-- with the current operator, that there might be room to have some open discussions in advance of all that and figure out some cooperative way that the current operator could work with others to bring some fresh energy to the park. So I will be supporting the motion. I did want to note that I'm glad to see that some

-- some language has been changed in the resolution. When it was originally posted there was

some language that threw me for a loop, about diverting funds -- to taking funds from the revenue sharing agreement and devoting them to maintenance for purchase of city equipment within one mile of pitch and putt, which would be very different from our current practice here and elsewhere. I'm glad to see that once concerns were raised that that language is no longer in the resolution, so I assume the revenues would still be -- revenues from the revenue sharing agreement would still be subject to the way they're handled now. So with all that I will be supporting the motion.

[07:08:12]

>> Tovo: Mayor?

>> Mayor leffingwell: Council member tovo.

>> Tovo: Yeah, it's my understanding they'll go back to the golf enterprise fund, which is what happens at our other golf courses.

>> Mayor leffingwell: So I've got a question for ms. Hensley again? Sarah, are you st. Louis

-- you

-- are you still

-- this will be real quick. It seems I counting

-- what happens

-- what happens now? You go out and you go through the process of negotiating with the kinser family alone. Are you going to bring back to us a proposal for that?

>> Yes, we will, absolutely.

>> Mayor leffingwell: At that point in time?

>> Yes, upon direction of council we will do what your direction is

-- and if it is to go back and work with lee kinser, we'll do that, and negotiate the best deal we possibly can, that staff feels they can live with, and if we don't agree we'll still come back before council and share, here's what we want. We'll bring it back to council and let you all mull it over.

>> Mayor leffingwell: Well, I would just

-- I'm thinking ahead a little bit. Obviously as I've said, I support keeping the pitch and putt, because that is the iconic facility.

>> Absolutely, we do too.

>> Mayor leffingwell: Not the person, it's the place. And I also support, you know, well-maintained facility and improved buildings on the facility and all of that and a competitive, comparable rate of return, which you're telling me is about 11%.

>> Yes, sir. Yes, sir. We'll do our very best.

>> Mayor leffingwell: Thank you. Mayor pro tem?

>> Cole: Sarah, I have a couple questions for you. First of all I see that we are supposed to report back to the parks board?

>> Yes. We'll work our magic upon the direction of council, work through the parks board and give the information to them, which would help us hopefully massage what we bring forward and from I to bring forward a recommendation we all can deal with and ultimately present it to council.

[07:10:15]

>> Cole: Okay. I share some of the concerns that our colleagues have brought up about not competitively bidding this item and going against our existing policy, but I recognize that we're handling this in a unique way that's actually coming back to council with parks board input. And I believe that any of our concerns can be addressed at that time.

>> Yes, ma'am.

>> Cole: So I will be supporting the motion.

>> Mayor?

>> Mayor leffingwell: I guess the real issue is doing it this way we'll never know what we missed.

>> Exactly.

>> Mayor leffingwell: Yeah.

>> Mayor?

>> Mayor leffingwell: Council member tovo.

>> Tovo: And I certainly can't disagree with that. We may not know what we missed, but I do -- because there's been a lot of discussion about this

-- the use being iconic, I want to say there's a real value, and I believe it was my colleague council member morrison who talked about this in the budget discussion last week. I mean, this is a family-run business and has been since THE 1950s, AND I THINK There's a lot of value in recognizing that. That's kind of an unusual

-- an unusual circumstance. The city certainly is in the business of supporting family businesses. In fact, we had an item on our agenda today for a very hefty public investment that was going to be a family business loan, and we certainly, as a city, make decisions to provide financial subsidies for large-scale businesses. So, you know, what we're doing here is simply asking them to simply seeing if we can work with this family that has invested a lot of time and energy in this site and see if we can bring that contract up to the current standards. But again, recognizing not just that the site is valuable and iconic and an asset to the community but that the family who's been operating it for all these years has a lot of

-- has a lot of investment in it, personal and otherwise. [Applause]

>> mayor leffingwell: Okay. Those in favor of the motion say aye.

[07:12:18]

>> Aye.

>> Mayor leffingwell: Opposed say no.

>> No.

>> Mayor leffingwell: No. Passes on a vote of 5-2 with myself and council member spelman voting no. If I could have your attention, please? So we have a proclamation. Once again

-- I know, but I'm not getting the feedback that I normally get. It's my pleasure and honor to once again honor our economic development department specifically small business, who these folks have done such a great job over so many years, and I like to tell people this is the only department in the city that actually makes money, doesn't spend money. Let's give them a big hand. [Applause]. And I keep losing my mic. Is there a handheld I could use?

>> We can talk loud, mayor.

>> Mayor Leffingwell: We'll have to talk loud, I guess. So let me

-- vicky valdez is here to accept the award, and she's never at a loss for words, I've learned from past experience. So I'll get on with it and read this proclamation and let vicky tell you a little bit more about what they're about this time. Be it known that whereas business owners who are starting out or ready to expand their businesses have a great opportunity to meet, network and learn from state and local government, nonprofits and supportive lenders at the most comprehensive small business event of the year, and whereas the 2014 getting connected is hosted by the city's small business development program and features a governor's small business forum this year. And whereas resources include business friendly lending institutions, community development corporations, government services and nonprofit groups eager to share fundamentals and capacity-building information and whereas they encourage the austin community to take advantage of this unique, once a year opportunity to gain valuable information and guidance. Now therefore I, Lee Leffingwell, mayor of the city of austin, texas, do hereby proclaim september 25th, 2014 as getting connected day in austin. Congratulations to all of you.

[07:15:54]

>> Hi there. My name is Vicki Valdez and I manage the small business development program, a division of the economic development department. The city of austin's getting connected feature this year is going to feature the governor's small business forum and is on september 25th from 1:30 to 6:30 p.m. at Palmer Events Center. The city of austin has been hosting for the past seven years, but this year we decided to combine the events to have a larger event and the intent is to connect entrepreneurs with more resources and more information than what we have in the past. Exhibitors include, as mayor mentioned, lending institutions, business resource organizations and government agencies. But this is unique. They're going to be all available, in one place at one time. Making the largest event like this, mayor, ever in austin. So if you're a business owner or if you're aspiring to be a business owner this is the place to be, thursday september 25th, again 1:30 to 6:30, mark your calendars, and this is a place where again information we will be there, have any questions, we'll answer all your questions that you have. And last, there is no cost for this event, even parking. For more information please go to www.gettingconnected.info. Thank you again, mayor. [Applause].

[07:18:05]

>> Mayor Leffingwell: Time for the dancers. So now we have members of the dance company behind me, is that right? The dance company? Atzlán has been doing business here in austin for about 40 years. We have Vicki Valdez still with us here who tells me that she has been a member of this elite group for about 30 years. She says it helps keep the stress down so I'm thinking about joining myself. [Laughter] so a good way to get a good workout. So I'm going to read this proclamation and let Vicki and -- well, let's see, Roen Salinas is going to accept the proclamation and are you going to say

something, roen and of course vicky wants to say something too. Be it known that whereas austin's cultural community has been enhanced for four decades by the atzlan dance company performances blending method, tradition, imagination into innovative choreography and whereas the atzlan dance company prides itself on expressing itself on old and dance that is new and whereas the dance company's 40th anniversary performance, the atzlan, pangan gala at the mexican-american cultural center features unique cultural dances and celebrates contemporary, expressive chicano and latin dance and whereas we encourage austinites to join in the fun and experience latino culture through dance at this community-wide anniversary celebration. Now therefore i, Lee Leffingwell, mayor of the city of austin, texas, do hereby proclaim september 20th, 2014 as atzlan dance company day in austin. So congratulations to all of you.

[07:20:27]

[Applause]. Roen, this is yours.

>> Thank you, mayor.

>> Okay, my name is vicky valdez, what is atzlan. This is a mythical homeland of our forefathers. It is cultural identity for the native people of the u.s. Southwest and mexico. Celebrating 40 years of la nina know culture via dance, the dance company was founded in 1974 by maria salinas and has had much success experienced throughout the journey of not only 10, 20, 30, but now 40 years in our community. Living the chicano dream, maria salinas dazzled audiences in austin and throughout the world in creating the work in dance and challenge in expanding the theatrical space in order to narrate cultural experiences and expressive realities. Atzlan creates dance that imagines a future, informed by the past and the present and the artistic director that has worked with maria for years. He's the one who told us only one more time, is mr. Roen salinas.

>> Thank you, vicky, thank you, mayor. My name is roen salinas. I'm the artistic director. And one of the members that was born into this dance company, 40 years later we as a dance company and as a community have to take a moment to reflect, reflect on 40 years of accomplishment, 40 years of community service, 40 years of imagining our world filled with art. And we do that through dance. Behind me I have members of the dance company. I have holly hugh lit, I have nora is a salinas, I have debbie potter, ryan salinas and vicky as she mentioned danced with us a few days ago. I want to cordially spend the invitation to you our austin community to join us in an evening of reflection and celebration that will be held september 20th at the esb mexican-american cultural arts center. It's going to be a gorgeous evening where we're going to be exhibiting through video montages, a recollection, a

[07:22:56]

[indiscernible] we say in spanish, the work we've done over the last few academic aids. In addition we'll have costume exhibits, round table discussions with some of our elders. And in addition to that a lot of the times the dancers, the dance company, what we spend our time doing is performing for community, for the patungla we're going to invite the community to dance with us, so it will be an evening of community-disobeyed dance. We invite you to join us

there. Before the event we have a project that's called chicano dreams, earth, life and labors of love that will be happening in our east austin studio theater called the santa cruz center for culture. We'll be present r. Presenting chicano dreams, earth, life and labors of love. So we invite folks to come and see a wonderful evening watching the dancers perform for you all. And then we invite y'all to join us two weeks later in a shared celebration of body, dance, community and culture. (Speaking spanish). [Applause].

[07:25:37]

>> Mayor Leffingwell: So I want to welcome to the dais a couple of folks to help us create a little bit of awareness and knowledge about blood cancer. We have a proclamation to read and then present it to chris britton and his daughter, a future aggie. Show everyone your logo and your ribbon in your hair. My goodness. [Applause]. What a pretty girl. I bet you hear that all the time. So the proclamation reads as follows: Be it known that whereas in the united states more than 1.1 million people are living with or in remission from leukemia, lymphoma, phi ohm ma or another

-- might ohm ma or blood cancer with another thousands of cases expected in 2014. And whereas leukemia, lymphoma and other blood cancers will kill an estimated 55,000 people in the united states this year alone, and whereas leukemia and lymphoma society exists to find cures and ensure access to treatments for blood cancer patients. An austin office of l and l society works to improve the quality of life for these patients and their families. And whereas it encourages citizens to get involved by participating in fund-raising campaigns, making donations, volunteering and helping to find life-saving research to advance break-through therapies for blood cancer patients. Now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by proclaim september of 2014 as blood cancer awareness month in austin. So proud to present this to you, sir. And you can share it and you're welcome to say a few words. [Applause].

[07:27:40]

>> Thank you very much, mayor, for helping us to recognize september as blood cancer awareness month. My name is chris britton, the board chair and volunteer for the leukemia lymphoma society in austin. During this month the society is reminding everyone that while break-through therapies are saving lives, work still needs to be done to find cures. Not some day, but today. Lls is leading the way to a world without blood cancers. In its 65-year history, lls has invested more than \$1 billion in research to advance therapies and save lives. But we can't beat cancer without the help of communities like austin. And mr. Mayor, I am pleased to report that last year in austin and the surrounding areas, we raised nearly \$2.5 million to help find cures and find blood cancers, that's in our area alone, \$2.5 million. Thank you. [Applause]. But despite the advances in survival rates, more than one-third of blood cancer patients do not survive. So more funding is needed to advance research and ensure access to treatments. Our goal is to raise \$300,000 in 30 days. Every three minutes someone in the u.s. is diagnosed with a blood cancer and more than 1.1 million people in the u.s. are living with or in remission from a blood cancer. And unlike other cancers, most blood cancers cannot be screened or prevented.

To see how close we are to our goal, both fund-raising as well as finding a cure, we would ask that you visit our website, www.Lls.Org, to see the donations and the updates on research in realtime. We thank you for joining us in recognizing september as blood cancer awareness month and we encourage everyone to donate today. Thank you all so much. [Applause].

[07:30:57]

>> Cole: Don't you have some supporters here? Come on up. You're here to support. You're part of the family. Margot stack, the director of jewih light at texas hill, margot has lived in austin for almost 30 years of the she was the director of the jcc preschool before coming to hill 20 years ago. She's been on the board of congregation at a conservative synagogue in town. She's very supportive with the board and has served on the. (Foreign word), a group that prepares

-- a group that prepares and cleans bodies for jewish burial, an extremely important and delicate task in jewish tradition. Founding member of my healing place, a nonprofit that helps families that have lost children, margot has served as a mentor and support of thousands of students at u.T. And leads a life of true service to her community and students. An extraordinary woman in every way and austin is blessed to have her. So for those reasons I am presenting her with a distinguished service award. Margot stack is deserving of public acclaim and recognition. During her tenure she has mentored, counselorred and served hundreds of students at the university of texas. Ms. Stack is also active with the. (Synagogue and has been part of the committee that oversees the sacred burial rights for the jewish community. In addition she created my healing place, a nonprofit organization which consoles parents who have tragically lost children. Our city's jewish and student communities have benefited from her steadfast service and heartwarming dedication to the well-being of all whom she has brace graced with her friendship and care. This certificate is presented in recognition and appreciation thereof this 28th day of august in the year 2014. The city council of austin, mayor lee leffingwell, mayor pro tem sheryl cole, councilmembers chris riley, mike martinez, kathy tovo, laura morrison and bill spelman. Congratulations.

[07:33:45]

>> Thank you, mayor pro tem. I want to say thanks so much for this wonderful honor, but really the honor belongs to my friends and co-workers who are here from texas [indiscernible], all my other friends and most emmy student leaders: Ah. Thank you.

>> Cole: Wait. We're going to take a picture.

[07:36:08]

>> Riley: I'm austin city councilmember chris riley and it's my honor to recognize some amazing work done by our own city of austin staff. A few weeks ago I heard from a citizen who was so site excited about the work who was being done up along shoal creek south of 2222 and she just acid about it and talked about the benefits. And I started look into this and what was going on up there. The citizen called out, one particular in particular, mateo scoggins and couldn't say

enough good things about the work he was doing. Once we started looking into the program we found it was not just him that was achieving all these great results. There was actually an amazing program that mateo was representing that hasn't gotten near enough credit for the incredible work it's been doing. It's called the grow zone program. And I've learned about it just in the course of checking this out. It turns out that the grow zone program has initiated riparian restoration to 158 acres in 39 parks since the beginning of the program in 2012. The program is a broad coalition between multiple departments working cooperatively with nonprofit and citizen volunteers to bring innovative and sustainable solutions to our green spaces here in Austin. The benefits of grow zones include reduced mowing and maintenance burden on our parks and recreation department, improved storm water quality, improved non-storm runoff quantity, reduced erosion, reduced carbon footprint, increased carbon sequestration and increased biodiversity. Because grow zones use natural vegetation executive session processes and

-- east 11th across a low coast at the city of Austin. And the success of the restoration has hinged in large part on educating the public on the value of these critical environmental areas so that they embrace the paradigm shift away from a mowed turf grass esthetic towards vegetative areas with enhanced diverse and abundant native or adaptive plants. It makes me so proud to be part of a city that is implementing amazing solutions like this. I'm so proud of everybody that is standing behind me tonight who has been part of this. I want to recognize a number of them. I'm going to have certificates here for mateo Scoggins, watershed protection. And Charles

[07:38:33]

[indiscernible] with the parks and recreation department, but we want to recognize the surface water valuation team that includes mateo, John Clement, [indiscernible], Andrew Clayman, Todd Jackson, Brent Bellinger, as well as the field operations of watershed protection that is represented tonight by Roxanne Jackson and the park district managers. I have a sense that I probably left out some people who have played very important part in that and I just want to acknowledge that this has been a team effort, an amazing team effort by a group that just doesn't get near enough thanks for the amazing work that it does. But I do want to -- just as one small gesture for all this work I do have certificates here that I want to present to Charles and Mateo on behalf of the whole team. And the certificate reads as follows: It says the certificate of appreciation through their positive impact on the look and management of the grounds of 39 parks, the grow zone team has rendered valuable service to the city of Austin. The grow zone team is a broad coalition of multiple city departments working in cooperation with nonprofit partners, including Keep Austin Beautiful, Tree Folks, the Austin Parks Foundation and citizen volunteers. Grow zone's utilize natural vegetation that requires minimal maintenance and yields major benefits. The parks and recreation department's mowing and maintenance burden has reduced, carbon footprints reduced and increased biodiversity. This certificate is presented in recognition of two years of efforts that resulted in riparian restoration to 158 acres of parkland. With that I'll stop and thank all of the partners and citizens who have been involved in this effort and I'm going to offer these certificates to both Mateo and Charles and invite you guys up here to say a word or two. [Applause].

[07:40:42]

>> Thank you very were. I wanted to get up and yell this is all for the trees and creeks, but the truth is that as this evolvedry realized that it's about people, about this incredible group of people here and really honestly it's about the citizens of austin who we have worked with in these parks all over the city. We've all taken a huge risk and demonstrated creativity, incredible vision and really more than anything patience. What we're doing doesn't happen overnight and honestly we're in the very, very, very beginning of this process and I am going to continue to ask everyone for patience because we're starting kind of gangly and awkward and if you've been to one of our grow zones you know it isn't a beautiful thing necessarily, but it is an amazing thing and I really believe truly and I know everyone here does is it is going to grow into something absolutely great. I'm really grateful. Thank you very much. [Applause].

>> I would just like to recognize the watershed team for doing an excellent job. They've done all the heavy lifting. We've been there to support them, but they have done all the work. They've had this vision that's really going to increase water quality and environmental factors in the austin area for years to come. So thank you very much. [Applause].

[07:43:56]

>> Morrison: As soon as they quiet down we'll get started. So I am

-- hello, everyone. Thank you. We're going to get started with our very last proclamation, and this is actually a distinguished service award for amy smith, who is leaving the chronicle after 18 years. I don't like to use the word retiring because you're diving off into something who knows what, but it's something else. And we are joined here by

-- I asked all her friends to come on up and join her because there are a lot of people here, and all over the city that are going to be missing amy, who has been for the past few years, how many years were you writing the column?

>> Only two or three.

>> Morrison: Only two or three years writing then there's this for the chronicle. And I know nick is going to try and fill her shoes, but we'll see. We'll see. But anyways, we just wanted to take a moment to celebrate the great work that amy has done and to thank you for being part of this community because really I think that folks that

-- you know, there's the folks that are at city hall all the time, the community and the elected officials and the staff, and then there's the media. And that's really an important part of what makes the world go round and the cool thing about amy is she gets it right. Even when it takes a lot of hard work. And another sort of thing that really stands out in the work that you did, amy, is that you really cared and you wanted to understand. And she went after some really hard issues and figured them out and explained them to the world. So we really appreciate what you've done and we'll really miss you. And I'm going to

-- I'm going to ask a couple other people to come up and speak before I read the certificate. Is that all right? First of all, I think that

-- kathie, come on up. I think that being a writer like you've been is really a public service and the public is going to miss you, so we invited joe q public to come here and say a few words.

[07:46:19]

[Laughter]

>> the q is for quiet down. [Laughter]

>> I'm roy whaley with the austin sierra club. And some people adopt to change easier than others. I don't really adapt to change all that well. My routine is to get up, fix coffee, sit down in front of my computer, especially on a thursday morning, and see what amy smith has to say this week. Amy has the better ability to be able to change and adapt quickly. She doesn't stick with things for very long. She spent 18 years at the chronicle and now she's ready to move on. She's kind of flighty that way. But she's still a heck of a reporter because I would get up and everybody else would get up and read about not just what happened, but why it happened or possibly why something didn't happen. And you would understand the story behind the story. And that was something that I and everybody else appreciated, that it was going to be really informative and not just a whole page of headlines. And so we're really -- the community, I am really going to miss amy and her very, very insightful reporting. And I know there's some new guy, a cub reporter named nick something or other that's going to try to take her place, and good luck with that. Because amy may not think she's irrelevant replaceable, -- irreplaceable, but I can tell you a lot of people in austin think she's irreplaceable. Going to miss you. [Applause].

>> Morrison: And also, I wanted to invite bridget shea up to say a few quick words. Bridget is going to possibly be here next year starting as a commissioner. It's a possibility. Brigid.

[07:48:25]

>> Thank you. I am really thrilled to say a few words about amy. I think actually you started on the beat when I started on the council in '93, '94, '95. So I've had -- when you were with the business journal. I knew you were covering council, I just got the wrong publication. Anyway, so I've had the privilege to be covered by amy and I can tell you what roy said is right. She doesn't just get the facts of the news, she gets the "why did that happen" part of it. And given that I have on occasion described one of the other publications in town as written by amnesiacs because you see the news and you think why did they do that? And there's no explanation for it. The chronicle made up for that in spades and covering city hall like amy did is tough because there's so many issues and there's so much complexity. And she really captured the heart and soul of austin and of so many issues. And really did justice to them. So she's been the guidebook and we are really going to miss you. I mean, nick is a great little follow-on act here, but we're really going to miss you. Thank you so much for your service. [Applause].

>> Morrison: So let me go ahead and read this distinguished service award. It says: For 18 years as a widely respected reporter and managing news editor of the austin chronicle, amy smith is deserving of public acclaim and recognition. Her coverage of policy and politics in austin both in the chronicle and before that at the austin business journal, has earned ms. Smith well deserved accolades for her thorough, insightful coverage of critical issues facing our city, state

and nation. She has tackled such difficult picks as prison reform, abortion, living wages and workers rights as an old school reporter, but one capable of adapting to the tools of the newsroom

-- as the tools of the newsroom evolve to bring blogging, tweeting and other modern media. Admired by her peers, ms. Smith recently received national recognition for her editorial work by the association of alternative news weeklies. We are pleased to honor amy smith for her outstanding work as a journalist who has helped to keep the public informed, a crucial requirement for a healthy democracy. This certificate is presented in recognition thereof on this 28th day of august in the year 2014 from the city council of austin, texas.

[07:51:09]

>> Thank you very much. [Applause].

>> Morrison: Do you want to say a couple of words?

>> I just wanted to say thank you. And the national award was actually for jordan smith, a reporter who recently left. And it's

-- [laughter]. Actually, another smith that can't go wrong when she gets ahold of a story. And -- so I wanted to give credit where credit is due. So thank you so much. And I really should be thanking you, councilmember morrison, for all your years of service and we're all going to miss you when you step down. And I also wanted to thank nick barbo, who is here behind me, and louis black, for starting the chronicle many years ago, and keeping it going all these years. It's really a place where writers are encouraged to use their voice to set the agenda instead of reacting to the agenda. So where else in austin can you work at a newspaper where you're actually encouraged to express yourself. So thank you very much. [Applause].

>> I just wanted to say that amy is being falsely modest. She is actually listed to the association of alternative news weekly's website as the news editor on the team that won that award. It was a team. This is what you've got to do with amy. [Laughter]

[07:55:30]

>> Mayor Leffingwell: We are out of recess. We are out of recess and it's time to take up special order time certain requested by council member martinez and approved by the council, item number 149, which is a public hearing and consider approving the master plan for holly shores. We have a number of speakers signed up. Council member martinez.

>> Martinez: Thank you, mayor I realize this is a

-- I need a microphone. Thank you, mayor, I know this is a critical item, like many others tonight but we need to have a conversation before going tonight. We have 14 and a half hours of testimony signed up thusfar for tonight's agenda. (Cheering and applause). And while I

--

>> Mayor Leffingwell: You want to consider that may involve us going back tomorrow. Go ahead.

>> Martinez: I just want us to have a brief conversation about the possibility of limiting testimony on some of these items. There is just no way we can be here for 14 and a half hours, folks. It's just not feasibly possible, and so I just want to entertain a discussion, if anyone wants

to chime in, you know, we obviously have chosen to exercise the ability to limit testimony to a certain amount of minutes per side on items with a lot of speakers, starting out with this one, we have 159 minutes of testimony signed up on it.

[07:57:31]

>> Mayor Leffingwell: Council member, this may require legal checking but this is a required public hearing and I think that the approach to take wld be to ask folks if they would voluntarily select a representative speaker so that we can cut down on the number of speakers.

>> Martinez: If that's what is appropriate, mayor, then, you know, I would entertain that we discuss that, because we've got a long night ahead of us. If.

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I would like to chime in and say it makes good sense to try to get through all of these tonight. I don't think we will have this unless we have contraction of the speakers. I wonder if we might give folks an idea on how many speakers on other one. I am figuring there might be quite a few on

-- on

--

>> Mayor Leffingwell: Okay, yeah, sure we can do that.

>> Morrison: So just to say that people may want to think ahead abget together with the people they are here with to try and contract.

>> Mayor Leffingwell: Item number 120, are there people here for 120?

>> [Indiscernible - no mic].

>> Mayor Leffingwell: 120 is also a public hearing. If you can organize yourself to present about 30 minutes testimony. .

>> [Indiscernible - no mic]

>> Mayor Leffingwell: Okay. We will just go ahead and see where we go, so we will start with the speakers on 149. Elizabeth walsh and alziia, not here. Joy ruth. I am calling out the people donating time to you.

[07:59:39]

>> Sorry.

>> Mayor Leffingwell: Is joy ruth here? Here? Sarah jumel? So you have up to 9 minutes.

>> Great. Thank you.

>> Good evening. My name is elizabeth walsh, I am here representing the holly neighborhood coalition, the east coalition and myself. I have been in the holly neighborhood as a resident since 2006 and it's a joy and an on honor to call that neighborhood my home. Before I share joys about the neighborhood myself, I want to take a moment and ground all of us in the history of how we got here today. Let's start in 1960. In that year, the holly street power plant was erected in a well established mexican-american neighborhood. The longhorn dam was built to provide cooling water which provided town lake and a water district in east austin including drag boat races in '64. What we see is a city making decisions in support of its overall

development with no recognition, concern, or respect for the environmental burdens being imposed on the neighborhood living there at the time, predominantly mexican-american. The first time the city of austin thought to provide any relief for these environmental burden from the plant was in 1991 with the noise mitigation barrier. Why then? From 1985-1981, there is an increase in the fire and the chemical toxic spills that were occurring at the site. After years of health studies and protests led by many people gathered in this room here, city council started to push for

-- city council in 1995 resolved to phase out the power plant and begin holly neighborhood plan and set aside funds for holly neighborhood including funds for home repair. 1996, city council voted to support the smart growth program which established central east austin as an environmental zone and since then east austin has had more of an economic tsunami. Long-term homeowners have been forced out of the neighborhood and many neighbors involved in this plan have resisted improvements for the park. They know park amenities increase the property values of surrounding parcels. You don't need specific price modeling do this. This happens time and time again. This is the city's ability to handle this issue to make this park planning process much more contentious. It has affordable housing concerns and concerns about park planning, as if neighbors should have to choose between great homes and great parks. Even worse, this whole park planning process has been paid for with funds that were taken out of the holly good neighborhood home repair fund, the only fund that was set up to help long-term neighbors of the holly neighborhood reside in their homes around when they want a public park for public benefit they find funds in other sources, maybe philanthropic funds or other sources, and thankfully they don't invade home repair funds and due to gentrification of park repair fund it proves, I think the city has the 550 million of funds and use it as a resilience fund and it's from i-35 to pleasant valley say listened it could include, weatherization, support for secondary apartments and more. I suggest the city council establish a working group on this proposal and give it significant consideration, if anyone, if anyone would like to talk to me about that proposal, please contact me at elizabeth.walsh@gmail.com or talk to another who is interested in that program as well. Returning to the park plan itself, over the past two years of the park planning process, a community consensus emerged, around preserving neighborhood character, protecting natural tranquility, enhancing community and ecological health and most importantly advancing accessibility, especially ada access and long term affordability. The holly neighborhood coalition is excited to see the current plan responds to almost all of these priorities. We thank you for not creating new roads for cars but expanding low impact development trails that are open to emergency vehicles only as well as pedestrians, and kids in strollers, people in wheelchairs and those on two wheels. We are pleased that the plan prioritizes basic infrastructure first. We are happy to see two new pedestrian bridges for cyclists as well, at i-35 and pleasant valley and we agree that the 10 million-dollar middle bridge is not a priority for taxpayer funds. We are pleased by the removal of the fences around fiesta gardens and we trust that city council and the parks department will make sure that this area remains affordable for community groups to be able to use those events as well. And that fences don't become a prohibitive expense. Finally speaking on behalf of the holly neighborhood coalition and the east view coalition and deeply from my heart, I am tremendously excited that this plan includes the food forest of festival beach. The exciting part of this exceptionally long park planning process is the delight of meeting new friends and

neighbors, long-term residents, new ones, who are committed to expanding healthy food for all by growing food and community together. The east feed coalition is a network of people around east austin who are planting edible gardens in the front yards, schoolyards and public right-of-ways. I am excited with this park plan, austin will endorse the first food forest as a public park in the city and being one of the first in the whole nation following the seattle and the beacon hill food forest. As a city we need to be innovating and leading in the development of low water, low maintenance approaches that growing food throughout our city. Food forests are a great form of edible landscaping that is actually appropriate for neighborhoods. Folks in here are here to answer your questions and we invite your questions and concerns and ideas. For food forest to happen and parks to happen, it takes all of us working together and all of us creating together. Thank everybody who is here who is here for the park who wanted to speak 14 hours without this plan. You are here because you love the park. I am so glad we all love this park and I am so glad that we love this city that we all call home. Thank you.

[08:06:32]

(Cheering and applause).

>> Mayor Leffingwell: Just a couple of things

-- a couple of things before we get to the next speaker. First, I have been told that the chamber is full. It's at capacity, nobody else can get in. There are lots of people out there waiting, so as soon as you finish your business or definitely when you finish your item, please consider making room for somebody else. And the second thing per council member martinez's suggestion for havi the law department research on which items we can restrict to have public comment on should we have that option should we be able to. ,. Okay.

>> Mayor Leffingwell: So council on this item at least, we can choose to limit the amount of public testimony, if that's your wish. Anyone want to make that suggestion? Okay. We will go to the next speaker?

>> Cole: Mayor, I have a question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: During one session, I believe council member martinez and council member morrison talked about two items that were primarily at issue, so perhaps one of you could suggest to the citizens that we have testimony about those items as opposed to just in general, especially if you are in favor of the plan or you are against the plan in general.

[08:08:38]

>> Morrison: Mayor.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: I can say that, yes, it's my understanding that through the work of staff bringing folks together to try and really make some changes and

-- and find compromises, it's my understanding, for the most part, and obviously maybe not everybody was involved and agrees, that the

-- the outstanding issues are the bike and pedestrian bridge, as has been mentioned, and the food forest.

>> Mayor Leffingwell: Okay. So there is no suggestions of limit of debate so we will go ahead with calling people's names. John co cory. Johnco cory. Donating name, morgan whitney. Sarah jamel. You have already

-- no, excuse me, morgan whitney and michelle hernandez. All right. So you have up to 9 minutes.

>> Thank you. I am john cory and I want to steer us to the most critical issue the way I see it. It's the hidden issue and it's the water, because 100 years

-- excuse me, about 15 years ago, someone told me and it was in the tree circle at the time, a tree trimmer, that the desert is going to be here in 100 years and so we have about 85 years and that means anybody's baby when they just are born, when they get to be 85 years old, we might have a desert in all austin. We have to think about that. And what that means is we really have to think about water and things that will help us with the water and there are issues between different sides but I think they both agree with that issue, that the water is the critical point. Water can go up to

-- at that point water would go up to something like \$5 a gallon. It would be more valuable than gas, because you

-- you can live without gas but you can't live without water. So

-- now I want to say that the most interesting thing for me during this whole time I have been watching this issue is that there is so many interesting ways, fantastic ways that you can have a bunch of trees or food growing plants without using the city water. You can actually, for example, talk about a certain fungus that a lot of us know, whenever you buy a plant at a nursery, sometimes you will take it out of the pot and there will be this white furry kind of plant life on the roots, and that's a fungus and that particular fungus will be

-- grants us this bonus, that if something costs

-- say it \$10,000

-- the city \$10,000 to water the parks, that will give you 30% more

-- well, less than the cost by 30%, so instead of 10,000, it will be 7,000, so we save \$3,000. If everyone right now went out and bought that fungus

-- and it's cheap

-- and put it in their garden, put it everywhere, we will be saving a fortune. And you may not think it's a big deal but if you have a desert

-- it reminds me of the one picture we see sometimes where there is a man with his two legs across town lake with the small stream in between his legs. That's what can happen. You have to picture that. That's a significant point.

[08:12:29]

>> [Indiscernible - no mic]

>> excuse me?

>> Please your microphone. [Indiscernible].

>> Okay. Anyway, I would also like to point out that we have the

-- there is another one that turns the

-- any trees that you have, it turns it into the cover of a refrigerator or a water bottle, you might say, so that on town lake we have 9 feet of soil that will receive

-- something? 9 feet of soil that will receive root and that root, whenever it rains, will hold on to the moisture, and that moisture, when it gets really hot, will come up and put moisture on a plant that we are going to eat, no matter where you are in the city. But in town lake, particularly, it will come up and you will get caught by the trees. That's like the root of this giant water bottle, and that will then, in the evening, come back down into the soil, into the roots, and the process goes on and on. There is dew in the morning, up and down. And as long as we don't run out of water in those roots, we won't need any city water and that's a great idea to hold on to the water. I have more to say but I want to say there is a famous chief, Joseph, and he is from Washington state. And what he said was that when the

-- when the

-- when lakes all dry up or are poisoned, when the forests all disappear and there are no animals to eat, and when the

-- when the

-- the amount of rain is lessened because of our practices, then, and only then, will the white man realize you can't eat paper money, or plastic. We have to mention plastic now. And so that

-- that is really something to think about and so I hope that you all would get the point to please look up the fungus that you can save yourself 30% at the natural gardener and any other nursery. It's cheap, again. Put it where it needs to be, and find out what companion plants are, because that's permaculture. It is a great word to look up. I wasn't sure what it is beginning. We all have plants and plants have plant culture and we want the plant culture to be permanent and that means doing something that gets the water to us. Again, we go back to the water. Well, I used up all of my ideas it took me months to get together so I am yielding.

[08:15:23]

>> Mayor Leffingwell: Cyrus reed. Cyrus reed.

>> [Indiscernible - no mic].

>> Mayor Leffingwell: Excuse me, I am looking at ... Whoops. Switched over to plants with this one. Ricardo rojo. Ricardo rojo.

>> [Indiscernible - no mic]

>> Mayor Leffingwell: Okay. Could I ask all of the speakers

-- the purpose of speaking is to speak to the council, not to the audience.

>> I would like to

-- I would like to donate my name to Marcello. Marcello, you have John van Lowe, up to 6 minutes if you need it.

>> Council member, this is the first time

-- I heard that this has taken two years that y'all are kind of board and want to go to sleep and the politics that are over and over the same story. I don't like long stories, so I will make it short. I've got properties for 65 years on the east side, with my grandparents and my parents. Across the street from the police station, they had a slaughterhouse where they slaughtered chickens and slaughtered cows where Capital Metro is and there were two lights over there and we are talking two pieces of property where the vegetables are growing. To me it is just politics. At first it was a barrio and what happened, what I hear through the grapevine that some of my.

[08:17:56]

--

>> ... Now let me tell you about the water thing, barton springs

-- and this is here before horses were in the united states

-- it's all politics and money. This excess of water from barton springs that drains to the creek and goes to the river. Why don't they harvest the water that goes to the river and have enough water for all of the citizens of austin instead of raising the bills in the water. That's all I have got to say. Very simple. Let the garden go and get a green light and be on with it. I know you are bored with these politics going over and over. Enough. That's my opinion. Thank you.

[Applause].

>> Mayor Leffingwell: Before you leave, I am informed that you are not the person I called to the dais.

[08:19:57]

[Laughter]. Okay. Now marcella andre. [Applause]. And you have three minutes.

>> I thought I had 6 minutes?

>> Because john van lowe donated his time to the other gentleman.

>> He did not.

>> Mayor Leffingwell: He used it.

>> [Indiscernible - no mic]

>> Mayor Leffingwell: You have 3 minutes.

>> [Indiscernible - no mic].

>> Mayor Leffingwell: You will have to get somebody else to donate time.

>> Rick rojo.

>> Mayor Leffingwell: Rick, where is rick? Okay. You have 6 minutes now.

>> I donated

--

>> Mayor Leffingwell: I know. I've got it. 6 minutes.

>> Esteemed mr. Mayor and mayor pro tem and members of the austin city council, ladies and gentlemen, thank you for receiving me here on the food forest and with my friends on this beautiful idea. My name is marcella andre. My grandfather was thomas andre and he was a production manager for the movie "giant," starring elizabeth taylor and james dean in marfa, texas. He was the unit manager for john wayne's movie, "the alamo" and we are american huganots and it is a service cultural part that we

-- that we have always looked for intellectual freedom and to be of service. I returned to austin after years of being away teaching. I am an independent scholar and artist. There is a saying in southern india I would like to share with you all, a big bundle of sticks for one person is heavy. For many people together, it is just a little twig, and so I would like us to think now about how we can make lighter the future load of these children in austin with the water and all of the things mentioned. If you look inside a flower, if you look inside a flower, you will see the most beautiful miniature piece of heaven created by nature, and this is something that is extremely,

attention, extremely available once a garden is in place, and I once read that evolution has not changed the fragility of flowers. And so I believe that nature's beauty can transform people and problems. Do we need courage to share the bundle? I say yes. Courage like is a butterfly. This is a cultural teaching from native cultures who were first the owners here. And so you see a butterfly was once a worm, crawling along and being itself bound to the earth and then it becomes a time

-- there is a times the destroyed. The old cocoon has to be broken and that worm becomes feather like, like a flower taking flight. I propose such a thing with the food forest. New wings transform the former worm to visit the tiny, nourishing garden, within the flowers hopefully blooming on the trees in a food forest, awaiting the butterfly after its courageous transformation. Please hear the stories of three children who were able to be around forests, native flora, and food from trees. Child one, my brother tommy andre, became an expert entrusted by the usda to be port supervisor in portland, oregon. Later bermuda island airport and the usda quarantine and more world ports and he retired in vienna austria. His office was an 18th century jewel box where mossart may have played music there. And this is the world with exports in the u.S. Tommy, my brother, got an early start learning about food groan locally. He had a sweet tooth as a child and loved watching the trees and plants grow first hand. The figs and pomegranates and nuts and apricots that he would later eat from our local trees, our father was able to stay home with us, working with a self-sufficient forest he selected as his work, turning down fame as a champion equestrian, famous writer and for hollywood. He preferred this life with a little sustainable food forest at home, half a block within an urban area. Children of other generations who ate copious amounts of fruit turned out over the years to have excellent eyesight as seniors. These pecan trees were part of sharing with the neighbors and prevented the children going for trips to junk food at the store. This is when the black boys who had been shot infamously in the u.S., Invariably were going to the store to get a snack, so very important to have children have safe food nearby that will not be something toxic. Since not everyone has a room for a garden at home, this is why we need this food forest, because we come from cultures that did this millions and millions of years before. The tree we had created the hapiest memories as children where there was no sibling rivalry. There was enough for everybody and we were content but that's plenty of the countries could be -- could be planted. Now, this time would enhance greatly from -- [buzzer alarming] -- from mentoring to a retired u.S. Air force colonel who --

[08:27:02]

>> Mayor Leffingwell: Thank you. [Applause]

>> thank you.

>> Mayor Leffingwell: Breana merrill. You have 3 minutes.

>> Hello, thanks for hearing us. I will yield to the floor. Thank you.

>> Mayor Leffingwell: Thank you. Angelica naola. Is labrada almanza here? Labrada currently not here. Skylar benilla. No skylar? Louis castillo? Louis is here. You have 6 minutes.

>> Thanks. Dear mayo council members, I am here representing myself as well as many of the

people who accept the revised plan for the holly shores aka ghana park with the exception of a few items I would like to list. I would like to thank the park staff to make sure the new plan was inclusive to the community's needs. We have been ensured by park staff that all repairs needed in the park for safety, hygiene, and health as well as ada compliance would be completed before any new additions or implementations are done in the new master plan area. We do not support apd park police having permanent housing at the nash hernandez building. We propose it be temporary until a permanent facility located. The building can serve a better purpose to be used for true communities usage. We support a fishing pier under ih335 so long as protective ball hard are placed in protection of drivers. We are in support of building a bicycle pedestrian bridge down the longhorn dam and it will ensure biking and walking safely and connectively without having to reduce traffic vehicle lanes in pleasant valley in the future, as many have been suggesting we do. We support changing the pedestrian bridge with ih-35 to make its a straight walkway to make it easier to cross for children as well as individuals using wheelchairs with the rgb center in close proximity. With regard to the food forest which is close to i-35 and the rbj senior center, we support it as a pilot project with the stipulation that the area suggested for usage be reduced to one acre of land and private moneys, not tax dollars fund the costs of plants, trees and maintenance of the project. We have heard and we respect the wishes for a food forest by the 200 plus elders and disabled persons living on a fixed income within the building we call rbj. The food forest could provide them as well as others in the community with free, fresh foods. In regards to the johnny delgado pavillion, we think keeping it there, would be good and we it it should have use for park users who want to stay close to the playground and pool. Respecting wishes like mr. Torres who has endured many excessive noise during city wide events held at the pavilion, we have a request that it be facing south towards the lake to allow the homeowners relief to the sound it carries from numerous concerts. In regard to the suggested fence removal surrounding fiesta gardens, we suggest that the current fence not be removed until the temporary fence is purchased for that location only. We have support from pard on this issue. In regards to holly and river view extensions, we support using extensions only for pedestrians and bicycles. This will ensure connectivity and safe walkability throughout the area. We feel that there are too many activities related to small children to allow for any extra motorized vehicle activity. We request the south end parking lot be extended south to allow for more parking for ball field patrons and small children. This will require two south enfields to be shifted just a few yards towards the east. Unfortunately there have been statements by a handful of people who say those kids can't have any more park land if you do the shift of the ball fields but I ask you is this park not here to serve the smallest patrons as well who are not yet taxpayers. This process has been along two years. I feel like we will come to place that our community has been needing and deserving nor decades. You as council have the ability to ensure that by granting all of the additions we have requested today. Thank you.

[08:31:55]

[Applause].

>> Mayor Leffingwell: Daniel yanez. Daniel is apparently not here. Jesse french. Is jesse french here? Come back to him.

>> Mr. Mayor.

>> Mayor Leffingwell: 3 minutes.

>> Thank you. I want to say a few things briefly, specifically stating concerns of the food forest. I am Jesse French, a resident of the Chestnut neighborhood and I am also the arbiter coordinator for the food service project and you heard concerns about the homeless population and concerns they would be attracted to the food forest project. We have been coordinating with the sister project in Seattle, the Beacon Food Forest there, and some of the things they have done to control that potential issue we are planning to adopt as well, which are

-- personal security is a priority so we plan to consult with police about keeping site lines clear, specifically the 3-foot to 6-foot area, so folks can't hide out in a bush there and also the fact that providing food to homeless helps supplement food costs and maybe give them a next step up for a job or housing and then the food banks can offset city costs and furthermore we plan to include folks in the project if that will help to kind of

-- help them take responsibility for it and kind of build that. One of the other issues that we've heard a lot about is funding sources, and I want to make it clear that we are going to be primarily focused on grants and donations, in kind donations as well as monetary. We have several nurseries right now. We are on board to donate trees and plants and plus tons of volunteers standing by to help out. So, yes, I think that's about all I want to say. Thank you.

[08:34:06]

[Applause].

>> Mayor Leffingwell: Daniel Yanez. Roy Waley. You have up to 6 minutes.

>> Thank you, Mayor and Council. I am so happy to see intragovernmental cooperation, like having the Council here today. That's great. So I am here to talk about this plan and the primary thing is that we want to keep it noncommercial, have next to no concessions, that kind of thing. We don't want to turn it into West Lady Bird Lake which is so commercialized and always have fences around it that we can't use and so

-- yeah, which is terrible. Our parks should be free and they should be for the public not for profit folks. Having said that, over here on East Lady Bird Lake, we are advocating

-- and Council member Riley, I am really counting on you for this, because we have talked about creating infrastructure and safety for bicyclists and the bicycle department disregards safety. They are trying to strafe and put people everywhere. So this plan we are trying to push to create a bridge similar to the bridge that's next to Lamar for bicycle traffic and for pedestrian traffic. If we want to make bicycle traffic part of transportation, we have to provide infrastructure and keep them safe. Having said that, we want that bridge there. There should not be that smaller bridge in the middle of the plan, I don't know if it's still in the plan or not. I haven't seen it, but many residents are advocating against that. So

-- and also, of course, we want to keep the Pleasant Valley Bridge four lanes and what we should do is put all of our energy and resources into building the bridge so we have safe bicycle and pedestrian safety on

-- on that part of Town Lake. The other thing I will say is that the food forest, I am for the food forest but I think we should start at one acre pilot project just to keep it in perspective, and then the last thing that I will say is that I am very unhappy with the consultant, with Jen McCann

and her people and the way that
-- [clapping] and the way that the holly redevelopment plan was split

[08:36:29]

into two: The north shore and the south shore. We were at the rail thing and this goes to the rail, mr. Spelman, what happened on the south shore is all of the working class apartments and all of the working class people, black and brown and working whites were rubbed out of lake shore, completely rubbed out. It is an entire class of people that

-- all of those apartments were razed and today there are high dollar apartments and the south shore was split up and the community, there is no meetings to speak to those but general mechanic chan is advocating those things, like, for example, corner of lake shore and pleasant valley, it is beautiful and trees growing up and all the way up pleasant valley, up to the bridge, many years ago the neighborhoods and the lady bird wildflower center planted these beautiful crape myrtles and now they are suggesting we're those down and put up amenities. What we want is to maintain our park and maintain the lake in its tranquility. This speaks to mental health as well. Very important to have that tranquility and open space. We don't want to have big festivals and people fighting traffic in there. Thank you very much for your time. (Cheering and applause). [Indisc [indisc ernible]. Michael fossum here? Okay.

>> [Indiscernible - no mic].

>> Mayor Leffingwell: I know but your speaker is not here. I called the name. Zola vega. You have up to 6 minutes.

>> Hello, I am vega with the austin heritage street foundation. I want to show you a few pictures. I have not participated in the plan, I have been really busy and I have not read the plan but I got these pictures in the presentation in your backup, so what we are talking about streets and creating access to water edge and I understand, you know, you have all of this overgrowth you want to tend but only of this

-- you want to trim but some of this could be good trees. And then there is the fiesta beach pavillion, you see in the top circle no views and the trees are gone. Well, okay, maybe if you have a pavilion, that's what you want to do, have the trees removed to allow the view and we go to fiesta beach and it says preserve existing shadetrees and then when we go to fiesta beach, it says location of trees and you go to the bottom and the trees are gone. So are we preserving the extra shadetrees or not? I don't understand it. That's not the only area. Children's swimming area. Again, there is no views and there is no bottom to get to these views. These are large shadetrees so are we going to remove them all to have the view. This is the children's play area. On the left side you see something and on the right side, and then there is no views to the lagoon and there could be heritage trees or large trees or other trees worth saving. Children's play area is new shadetree and look how big they are, providing a lot of shade in this illustration but it will take a long way for the trees to grow to that shade. It is important to preserve the heritage trees and protected trees and the large trees, not just heritage trees. Ordinance only protects the heritage trees. Okay. The last one, [indiscernible] habitat, there is area where the habitat will be restored. No views and the large trees on the up land are removed so you can have the view but the bottom land on the slope, the trees on the slope are still going to obstruct the view. So why are we removing the trees? Again, I have not

seen the map, the plan, so I don't know the details, I have not seen any site plans but this is from the presentation in your backup, so please make sure that the trees are protected, not just the heritage trees, all of the trees. Thank you.

[08:40:56]

[Applause]. Tomino

-- sominoaria. Lori rentoria. Is lori here? Mitch wright? You have 3 minutes.

>> Thank you and good evening. My name is mitch wright, I am a hand scape architect here in austin and I have been practicing 17-18 years. I work in a wide variety of projects because I've had my feet in both worlds landscape architecture and planning and I work with landscape architecture and cities and neighbors for community wellness and liveability. So my practice centers around this juncture between community wellness and environmental integrity, and that's exactly what this food forest project is all about. So I can't really speak to the overall master plan of the holly shores because I haven't really been tracking it and it's not my neighborhood and I don't have the vested interest that most of these people behind me do in the overall, but I am vested in to the food forest project. I am one of the original members of the group. We have been operating for about two and a half years, and it's a food forest in simple terms is a

-- more or less, a new evolution of a community garden, emulating more of a natural form. Get rid of the fences. Get rid of the strict organization, and in plan, which I have right here, you may have seen this. It's circulated around fairly widely. It has been in the chronicle. It is a little beat up in the edge because it's been in quite a number of meetings. This came out of a designer workshop that we held about a year and a half ago at the rbj center and on a site adjacent to the rbj center and you see obvious things, the obvious plant materials and trees but the doodads and the spiral and stages and so forth on there. This was an accumulation of lots of ideas out of the 50 plus people that attended this design workshop and it wasn't my goal to invent anything for this master plan but to take this long list of ideas and assemble it as a puzzle into something

-- into a cohesive plan that made sense and that addressed all of the desires and hopes and dreams of the folks that live in the rbj center and the folks who live in the surrounding neighborhoods that

-- that participated in there. And so what you see is you see the food products and you see the neighbors and the community comes together with, you know, formulating an idea together. And then you see education, education about our water and our soil and about healthy communities and where our food actually comes from, you know. It's not just a box off the shelf or something shrink wrapped in plastic. It is grown out of the soil and plucked off the trees, so if you take a larger step back and look we have been going through.

[08:44:33]

[Buzzer alarming] all right. Thank you very much. [Applause].

>> Mayor Leffingwell: Phil thomas? Phil thomas not here? Julio

-- phil thomas. Okay. Carol stall.

>> Right here.

>> Mayor Leffingwell: She has to be in the chamber.

>> Cole: [Indiscernible - no claim.

>> They wouldn't let her in.

>> Can you verify that carol stahl is out there?

>> [Indiscernible - no mic].

>> Mayor Leffingwell: You have up to 6 minutes.

>> Honorable mayor, council members, esteemed staff and citizens, I am phil thomas of 68 mildred street, 78702. The home my wife and I live in is located in what was once called the blast zone of the holly street power plant. Edward rendon senior park is two blocks from our cottage which we restored three years ago. We are end of long and often bumpy negotiation road. The holly shores edward rendon master plan process turned into the campaign of a community trying to be heard. It turns out that our voice as a community was not heard. On the one hand, several improvements to the ball fields and other culturally sensitive elements championed by the community showed up in the revised plan and for those we are grateful. But suggested improvements supporting traditional use of the park such as added barbecue grills, more shade canopies, picnic tables and a splash pad to name a few did not appear on the plan. All told, six of the functional community recommendations out of 27 are incorporated into a master plan

-- into a community master plan, just 6. Roads we opposed are showing up as trails but coincidentally, trails wide enough to later to become roads. The bridge, we vehemently opposed remains on the map as a pair of lines and the proposed food forest that has vixed the community has somehow made its way on the miles an hour, presumably on if persistence of a self interest group.

[08:47:12]

[Clapping] we are [indiscernible]. One major defensive component is the proposed multibillion dollar bike pedestrian bridge connecting peninsula on the south shore with the lagoon area of edward rendon senior park. The community suggested this or any expansion of the bridge expands expanding the lake from the bridge to the map be removed but yet it remains. The thing about the pard planning is they intend to have have their way despite community wishes to the contrary. Another problematic element is the so called food forest which represents the imposition of the will of one vocal self-interest group made up in part of nonstakeholders on the community at large. The so-called food forest is a symptom of a larger philosophical disagreement. Self-interest groups and influential entertainment promoters are being encouraged to monopolize and use portions of our parks. Stakeholders who the east town lake citizens neighborhood association have listened to and have heard are fundamentally opposed to this polic the concept of communal spaces has a tradition stretching back nearly 500 years in spanish, anglo, and native-american cultures. The plaza, the village green, the temple square, and the park. These spaces are held in trust by the governing body for the community at large and should not be monopolized by one individual or special interest group. Here in austin, we are losing this noble tradition in favor of a policy that overemphasizes commercialism and use by special interests. [Applause]. To sum it all up, the community has said it needs a workhorse

of a park. To use an analogy what we need is a chevy capris station wagon and what pard is promoting is an expensive lamborghini two-seater and the park needs to handle soccer leagues, family reunions, family easter gatherings.

[08:49:31]

[Applause] barbecue pits and huge banks of coolers so heavy they need wheels to be moved. The plan the pard consultants present has little of practical use for the stakeholders. We need the station wagon, ideally, a lowrider. (Cheering and applause). And lastly, let's not forget that austin taxpayers are overtaxed and on the verge of revote right now. There is a nearly billion dollar transportation

--

>> Mayor Leffingwell: Wrap up.

>> [Indiscernible] ballot for them to vote on in november. Let's not add up their burden. Even if a powerful cooperation offers to pay for influence as they have

-- in other parks around the lake, we still don't want it because we don't support the commercialization of any of our neighborhood parks, period, end. [Applause]. [One moment, please, for change in captioners]

>> Mayor Leffingwell: And if you want to talk from the gallery, I won't allow that either. You do you want to identify yourself?

>> Danny perez.

>> Mayor Leffingwell: Danny.

>>

[08:51:33]

>> danny.

>> Mayor Leffingwell: Okay. Next time you speak I will ask you to leave the chamber. Julio perez. Donating time is michael rigby. Is michael here?

>> My name is julio

--

>> Mayor Leffingwell: I don't see michael here so you only have three minutes.

>> Mayor Leffingwell: I think that will be fine. A lot of people have said enough anyways. I do agree with a lot of the stuff that she said because a lot of the improvements have been needed in austin and the holly shore area, have been needed and they've never had it and we've never had it. And inch it needs to be done. I also agree with a lot of you folks over here who are yelling and screaming. I understand because I grew up in east austin and I love east austin. I love austin in general.

>> [Inaudible].

>> Anyways, I am actually a site manager for festival beach community garden, which some people are opposed to and believe that the community garden is actually funded by the city and stuff. We have no money that comes from the city. I actually volunteer many hours in the community garden and I also provide food for the residents over at rbj, which is something that I'm very proud of, and actually having the community garden has been a big thing for me

because mentally and physically have improved my life and I also enjoy teaching folks, children where the food comes from and what

-- and how to grow it because a lot of kids have come to the garden and I teach them things that they don't even know. I mean, I asked them where does food come from like apples and this and that. They say h.E.B. Come on. [Laughter] yeah, we know they come from h.E.B., but where does it really come from? I think it's important that we embrace

-- you know, growing things on our own and I actually promote the food forest because growing up in east austin I remember as a kid all the way from govalle park and stuff, picking up pecans and stuff, and that just brought us a lot of joy to be able to pick fruit from a tree. I can tell you a lot of the trees all over austin all the way to zilker park where we used to pick up pecans. And I think it would be nice to be able to pick up more than pecans, be nice to pick up different types of fruits and stuff. And the community gardens, we have a lot of homeless folks that are always venturing there. They're my friends now because do you know what? I feed them from the fruit that I grow. And it doesn't cost them anything. I think that that's what the food forest is actually promoting and I think it's something that's very good. Not only for us to have something for them to eat, but we eat too. Everybody eats. And I think that's something that brings us together. And I think it's a wonderful thing that the food forest is doing. I think it's a wonderful thing that I do because I enjoy growing things and when it brings me mental health, good mental health and physical health at the same time, that's very good for me. I enjoy doing it and I will continue doing it and I hope more people embrace that and want to do it too. I think that if we can provide food for people that can't afford it it's great.

[08:54:58]

[Buzzer sounds] I would like to be able to promote that for everyone. Thank you. [Applause].

>> Mayor Leffingwell: Sarah rivera

-- farrah rivera here? Farrah, you have three minutes.

>> Mr. Mayor, members of the city council, I'm here representing the rbj residential towers and the east cesar chavez planning team as well. Both organizations fully endorse the plan in you its 2013 original form. We fully support the evolution of the park which sorely needs to become user friendly, especially for those of us with mobility and age related issues. We need ramps, we need accessible picnic tables, we need better trails for people in wheelchairs and scooters. We also support the establishment of the food forest and as the next door neighbors we welcome them and the opportunity to supplement our own food supply with fresh food and herbs. For us it's an issue that I see twice a week in the pantry that I manage at rbj. Julio just finished delivering some vegetables and fruits for us. Imagine if we had a food forest that we could go and pick up our own fruit and veggies there. People who are elderly and handicapped are clamoring for this supplement to their nutrition. And for us it makes a difference in our health. For us it is a quality of life issue. For us to imply that we do not have a stake in this is to deny us the definition of our own home. Thank you. [Applause].

[08:57:00]

>> Mayor Leffingwell: Jodi lane? Jodi lane. You have three minutes.

>> Thank you. The holly master plan in its best points speaks to natural tranquility and a family oriented park. A quiet gem in our busy city. The food forest can be an excellent expression and experiment to that end. Let me share five core values of the food forest and talk about how it can enhance that natural tranquility and be a galvanizing tool in this community that you see behind me. The food forest, one, will make -- will make healthy food accessible to everybody. It will provide improved nutrition in the neighborhood. Imagine saving money on farm fresh foods that are free for all. Already kealing middle school and the east side memorial high school recently started edible landscaping projects. Secondly the food forest can grow community and connect neighbors. It can strengthen existing bonds that you can hear coming together tonight. By starting with a one-acre pilot project which the neighborhood is actually asking for as an experiment, we can galvanize and we can work together. Imagine a tranquil place for storytelling where residents of rbj can read to their grandkids. That's what we want. My personal agenda as an architect and an attack for housing affordability is to start conversations about housing affordability over the dinner tables, in the park to find innovative and powerful ideas to redefine development. And even turn the word gentrification into a concept that can be beaten. I think we can do it. So the third thing that the food forest will bring is natural tranquility and vibrant ecological health. It will showcase low water, low maintenance approaches to austin's parks. The food forest can provide a safe and fun place to explore and experience nature p right now on sundays you'll find holly buzzing with birthday parties and low riders and their owners come from all over and showcase their beauties and soccer games, everything is going on in the park. We want people to walk over to the food forest with the kids and learn about growing healthy food and what bio diversity means and what are seeds that are natural seeds and not grown from mon santo. I also imagine artists creating works in the forest that educate us and learn how to honor a complex ecosystem while also honoring our diverse cultural ecosystem. Finally the elision and the food forest advocates such as poder, add video care and several others you heard tonight will be focused on sustainability and we will be committed stewards.

[09:00:12]

[Buzzer sounds] thank you. [Applause]. All right. So council, we've done a little bit of research here and there are two items that have a number of speakers that council can choose to limit public comment on. And those are items 143 and 157. So if you are signed up for one of those two items, you might want to get together in case the council decides to limit testimony to 30 minutes a side. We do have a lot of items left and a lot of speakers left. It's going to be very difficult to get through this agenda. So next speaker is bertha delgado. Bertha delgado. All right. So while you're coming up, bertha, donating time is cynthia rubio. Is cynthia rubio here? Raise your hand if you are. Marcella delgado is here? Edward rendon? And [indiscernible] ortiza is here. So bertha, you have up to 15 minutes.
>> I won't need that many.

[09:02:56]

>> Good evening, mayor and councilmembers. My name is bertha delgado and I'm not only a

native austinite but a homeowner in east austin along with my parents and 10 families that still reside in our neighborhood. I'm the president of east town lake citizens neighborhood association, lulac deputy director for chapter 12, el concilio, and I'm also here on behalf of the community that we reside in, the minority, elderly, and youth, young youth and members that could not be here tonight. Before I start I just want to let you all know that there was a petition that was turned into parks. I'm not sure if each of you got a copy of it, but it was turned in with a thousand signatures against this master plan. Please let me start out by saying how saddened, saddened we are here yet again facing another concept of the master plan. Which also includes a food forest. We feel completely disregarded and not validated and our recommendations and concerns that is currently on this master plan draft. Back in may our recommendations were promised by mike martinez that would be implemented into that plan, and that is not -- that has not happened. We feel that these moves to continue to postpone this action item is yet another tactic from not only from the parks staff, but some councilmembers who are in support of this postponement to try and cause this group and any entity that is in opposition of this master plan. Division, but overall defeat and hope that we would not move forward in our efforts to oppose this master plan, but that unfortunately will not be the case. We will work diligently to ensure that all persons who are deeply impacted and all who utilize this park, that they will be heard and their recommendations will be implemented. Mayor, councilmembers, we stand here before you exhausted. We've been doing this for a very long time. And in december when we were here and we stayed until midnight, all the people who were here today were not here. And we continue and we continue to come every time council has this item on the agenda because we will not be left behind. We are the neighbors. And we reside in the neighborhood. We have devoted hundreds of man hours, money out of our pockets, poor to poor to outreach, meetings weekly, neighborhood meetings, park meetings. All of this has been taken away from our families. Our families go home -- sometimes we can't go home and cook dinner for our families because we're sitting here strategizing, trying to see how do we work with staff, how do we work with these groups that are here? How do we compromise? But there's no -- there is no compromising. I've asked poder. I've asked elizabeth to meet with us. Let's find a different location. We're fighting over land usage here. And it's unacceptable that they don't validate our recommendations, they don't care to even sit and meet with us. And yet poder doesn't even live in the neighborhood.

[09:06:42]

>> Excuse me, I do.

>> No, you don't. She was a former parks board member and she's a co-founder of east feast. And it got put on the master plan without an agreement from the community. I have signatures opposing it and they have yet to be validated. And they were turned into parks department. I sat with parks department january all the way to april sitting in meetings with them, with the designer, with angelica [indiscernible], and we never left that table with agreeing to get this food forest. Ladies and gentlemen, I ask you to please not only amend your intentions, but moving forward with the plan, but this plan needs to be terminated and needs to be terminated today. [Applause]. I also have a sign here that we carry and we've been carrying it since we

closed the holly power plant. It says ya basta. Enough. Enough is enough. There's so many things on this plan that we have to work together and figure out a solution. We have the bridge, we have the food forest, we have nothing that we have asked has been put on there. Our new playscape, our bigger swimming pool, our water fountains. You all had a stakeholders meeting and y'all took comments. Parks took comments and gave us a deadline for august the 14th. Then they posted the wrong link on their website. Which caused several people not to be able to submit their comments and then they installed us and apologized to the same day of the deadline. That is unacceptable. Prima culture. I've heard something say that. Have you even looked into the cost of that? Why is it that our tax dollars have to be spent on this? We have bigger things to be dealing with in east austin. We have been displaced, our homes have been taken away. The elderly and everyone can't afford the taxes there. We have real issues. We're segregated. We are gentrified and segregated. These organizations that are here behind us do not talk. They have different community meetings. So if we can't community healthy, effectively, where we live, how do you think we are going to none effectively, healthy and a food forest. And the people that are involved in the food forest, do they live in the neighborhood? No, not all of them do. Show of hands are the people who really live in the neighborhood.

[09:09:42]

>> [Indiscernible].

>> But is it

-- does it count the amount of emails that you all received for support? No. No. They have campaigned this internationally on the internet, praising sarah hensley, the director of parks, is to happy to have the first austin food forest in austin. We're not happy and we're the stakeholders and we're the taxpayers and we don't want it in chicano park because that's what we call it. That's our culture park, it's our neighborhood park, it is not a tourist attraction, it is not a metropolitan park and it needs

-- this concept is great, but it needs to go to holly guerrero park. [Applause]. Govalle park. Some other park. Not our park. The maintenance in our park is poor. The city has failed to maintain our park and they're using this master plan as we have to pass a master plan because if not we're not going to get improvements. That's a lie. In our emergency budget right now we have money for improvements. We need improvements now. We cannot use the bathroom there, we cannot drink water there. We cannot utilize the park like every other park. And it's unfair. And we feel that we are not being heard. And that's why we're here today, to protest. That's why we're here. And we have people behind us. Unfortunately they can't all come in. We have a capacity hold now. But we do have people supporting us and they are upset that the people of east feast have yet to outreach door to door and get the minority and the elderly involved. That live directly to the food forest. Not people that own land and don't live there and just rent. No. The people that live there are upset. People that we go sundays, we go talk to people, they are unaware of what's going on. And pards expects us to provide the literature to these people because they don't have funding, but yet it's a master plan that was -- that cost how much now? 350,000 out of the holly mitigation money? That is a lot of money we're upset and that's what we're here today. And we're asking you all to really take this in

consideration. I've passed kvu website that was posted on how unsafe the water is, and you all fail to continue to recognize that. And if we have a food forest and a bridge and all these things that these people want, who is going to pay for it, one, and who is going maintenance it, second, and third, who is going to monitor it? Who? Is the city of austin parks board going to? I mean, those are questions I have. I have a lot of questions. It's not a farmers market. First of all, we have that on east second street. Utilize it. We don't need a farmters market at chicano park. Another question I ask is how is it that the community garden -- the community garden costs, we can't afford to plot there. It costs \$40 to plot there. It is gated. Not everyone has access to it. That is a lie. So I'm very disturbed, I'm upset and I speak on behalf of these people. And we will continue to fight and fight for our park until we get heard because we are not being heard. And parks staff knows that we have tried and we have tried and we are being ignored. So I ask you today to evaluate this plan, ask for a postponement until new council comes in because we're not ready. We're not ready. Thank you. God bless all of you.

[09:14:01]

[Applause].

>> Cole: Mayor, I have a quick question.

>> Mayor Leffingwell: Mayor pro tem.

>> Cole: I have a question. You talked about a couple of items that were in your recommendations. One of those I got was a playscape and a swimming pool and you said something about a bathroom that I didn't quite get.

>> Our bathrooms are not maintained. We're not able to use the math rooms that are -- bathrooms that are there. There's only two bathrooms in the whole park. And they never have toilet paper. They're drug infested as well as unsanitary for any of our children to use. And that's been going on for 40 years. And the parks department has not expanded that building for the pool, nor has placed a new restroom for our area at all.

>> Cole: Okay. Let me ask you another question. When you talked about there's money in our budget, did you mean the holly mitigation budget or did you mean the parks budget that should be applied to the park?

>> Yes, both. There's money in parks budget for maintenancing, but it's a lack of maintenance. Our park doesn't get the maintenance.

>> Cole: Okay.

>> But we also do have money that is

-- that can be transferred for that. Monies were supposed to be transferred from the holly mitigation from parks department to our park and then they went and hired michael and paid him 250,000 for his vision. That's his vision.

>> Cole: Okay. Thank you, bertha. [Applause].

>> Mayor Leffingwell: Let me is just say for the record that I am ready to vote right now to postpone this item to the next council.

[09:16:01]

[Applause].

[Cheering]

>> Mayor Leffingwell: Okay, okay. [Laughter]. Carolyn rendon. No, no, no. Caroline rendon. Is caroline here?

>> [Inaudible].

>> Mayor Leffingwell: All right. Come on up.

>> [Inaudible].

>> Mayor Leffingwell: Who are you donating time to?

>> [Inaudible].

>> Mayor Leffingwell: All right. We'll go next to the next person in line is isabel rios. And I see that christina rendon and stephanie rodriguez are donating time to desiree alvarez, but also now it will be caroline rendon. Okay. But the next speaker is isabel rios. Are you here? Okay. Three minutes.

>> I will not use my full three minutes. I'm just here in support of angelica [indiscernible] and their plan. I am not a very regular park user, but I do believe that the park has great potential. There is already a plan. The sierra has already invested all this money into making a plan. They should just stick to it and carry it on. These people have been going and going for years waiting for an answer. The parks should be maintained. Every park should be maintained. Not only on the west side, but also on the east side. And dragging it to the next council, I don't think it's an option. I mean, if you have the potential to go ahead and give a vote right now before you go, go ahead and do it. It's your time. Be the champion for the community.

[09:18:05]

[Applause].

>> Mayor Leffingwell: Okay. There's one no vote. Desiree alvarez. Stephanie rodriguez here? All right. Christina rendon? Christina here?

>> Right here.

>> Mayor Leffingwell: And caroline, so I guess you have up to 12 minutes.

>> I don't need that much. Do I have to take it all?

>> Mayor Leffingwell: Use as little as you would like. That's okay. [Laughter]

>> okay. My name is desiree alvarez and I'm a member of the east town lake neighborhood association. I live on 1602 candor bury street, 78702. Festival a beach and edward rendon park are one of the areas that display the individuality of austin. This area known to the community as chicano park symbolizes a place of hope for many families all over austin. The memories that people have created in festivities to a low rider on a sunday evening cannot be replaced or taken but the park gives a certain joy to our hearts that we can reminisce on. The return of investment on this project I'm sure is very profitable for the city of austin. But is it profiting the people, the details and expectations of this project are focused on the community at this point. In order to receive approval to move forward, once this plan is in action the community's input will be irrelevant in regards to the plans the city has for the master plan in the future and what goes on therefore. The holly fund spoken about earlier is for the holly area that includes us as well, doesn't it? I live on canter bury street. I'm pretty sure that's close to holly. It is for the community so why are we unable to reach a consensus. Why are we unable to meet up outside

of here? We are a neighborhood-- we're neighbors to each other. We're a community and we should be able to come to consensus as one. The only thing this plan has brought to this community is division and anger. We're against each other rather than for each other.

[09:20:22]

[Applause]. In regards to the food forest, the idea is embraced. It is embraced for everything that it offers, but the location is not. That is the main objection against the two committees. Living in east austin from 2006 does not compare to the 1960's when edward rendon moved in and helped develop the current park that is there. Furthermore, we have a voice -- [applause]. Furthermore, we have a voice and many times we are overlooked in east austin because of a number of reasons we won't go into tonight. Race is not an issue here, nor is our neighborhood's growth or development. Our preservation of the historic culture and the park is the issue at hand here. We're not going to sit down and give in as some people have spoken earlier to do so. This is the problem with our race. Many times we stay mute and accept any changes thrown our way, but we've had enough. We're here to speak our mind. We have shown consistency and dedication in regard to this issue and speaking our voice and proclaiming our victory here. We have been here, mayor, and will continue to strive here despite any outcomes. Everyone who is against this plan, could you please silently stand at this moment to show your support? We stand against the food forest, the middle bridge and request that this master plan be terminated or postponed. Thank you. [Applause].

>> Mayor Leffingwell: Okay. Michael fallon. You have three minutes.

>> I'll be real quick. I'm in support of the food forest, I'm in support of the plan as it is, including the amendments and that's it. Thanks. Is.

>> Mayor Leffingwell: Rick luna. Rick luna. Okay. You have three minutes.

>> I will only take two and a half.

>> Mayor Leffingwell: Good.

[09:22:23]

>> Mayor, city council, mike, mayor pro tem. I'm [indiscernible], we're at 2300 canterbury. And I'm opposed to this food court. These guys I've never seen in my life and I've lived in austin for 60 years. For about a month he's probably lived the streets, but anyway, some of these people don't even

-- I've never seen them. And when I do see them, I saw something very ugly the other day at capital metro, what capital metro was doing, I don't know if you've seen them in east austin, they look like chairs that a o'bow made or somebody made because they're ugly. And to me they were saying that was art. I consider that trash. And mayor, you should go up there and see them. You would say the same thing. Anyway, I'm opposed of it and I really do appreciate what you said earlier, leave it to the next council. Thank you. [Applause].

>> Mayor Leffingwell: Danny ferris. Okay. You guys back away from each other. Danny, are you here? Okay. Danny is not here. Danny ferris? Okay. Gloria moore, gloria moore? You have up to six minutes if you need it.

>> Mayor, we don't want to support what they want to do down there because I've been there

since 67 and that park wouldn't exist if it wasn't for edward rendon and [indiscernible] and the brown berets. They need to recognize why that park is there. That fence has been around so-called fiesta gardens when there's events down there we notice on the radio they always call it fiesta gardens. It's edward

[09:24:34]

[indiscernible] park. That is what the radio says. That park, it's always belonged to that neighborhood, okay? We're not going nowhere. When push comes to shove, you can see what's happening along the borders, we don't get pushed, okay? We're there to stay, that's the bottom line. My family has been here in austin almost 80 years. I think that all the things that are happening down there right now we don't get enough help from parks and recreation. I used to be a lifeguard back in the '80's at martin and our pools, our parks, we always got the bad end of the deal when it came to maintenance at our pools. I think that this food forest, it's a bad deal. We don't need it. We don't have a lot of land on there. An acre is a lot. If you go down there and see it, it's dom packet. Nobody

-- compact. Nobody ever talks about the homeless. Have you a.P.D. Arresting the homeless every night downtown. Where do they go? A lot go to east austin. I hate to say that, but they do. But that's cool, it's better than them getting arrested downtown. If anything, put more chairs and more places for them to be at night than to be downtown getting arrested by a.P.D. Because that's not what we're all about, arresting the homeless. Just because we can put them to work the next day to keep the city clean. Y'all are using the homeless people for that cause and that's not right. That park needs to stay the way it is. It's not much, but if you go see it, the fence is up at that park because we, the brown berets, got aqua fest, we pushed them out of the neighborhood. Now the fence

-- y'all want to bring the fence down? Why? It's been there for the last 40 years leave it alone. Some things are meant to leave the way there are. A lot of people moved in there the last 15, 20 years, I would say, you're welcome, but get used to it. That's the barrio. That's the barrio. It's always going to be the barrio. No respect to anybody, but that's the barrio. There's history there in east austin and that history is our history. And there's something that you can't change. You're out not going to be able to change it. Wire not going nowhere. And we need people to understand that if you want to move in east austin, that's fine, you're welcome, but get used to how we've been doing things the last 60 years there. And it's not going away.

[09:26:50]

[Applause]. It's part of our heritage. It's part of our heritage, you know? I'm a vato, I group up there. I went to metz, martin and johnston. I'm going to continue to be a vato. That's always been part of our history in east austin. You've got to have a barrio. Wherever you go, every city across america have you to have the hood and you've got to have a barrio. Get used to it, okay? And we're going to continue having low riders on sundays there. We'll hang our pinatas on easter sunday, if you like it or. No you go down there on easter sunday you know where you're at in austin, you're in the barrio, nothing but pinatas hanging in all the trees there. It's just our heritage, you know? I'm fourth generation in my family and it's something that I learned from

my parents growing up there. My mom went to palm when there was no 35 there. Any of y'all remember that, that was east austin all the way to rainey. And so I lived there on 2006 haskell and I enjoy going to the park in the morning with my dogs. I enjoy walking down there. The bike trail, it's not like on the southside, but you go down there at night, can you take your woman down there at night. It's laid back. We want it to be like that. It's laid back. It's the only barrio in all of austin that's laid back, you know? It has not been touched. It has not been touched by parks and recreation. But they really need to put some barbecue pits in there and we need the pool to get more love, you know? We like to barbecue. Here comes football we've got a place to kick it on a sunday, you know? That's our heritage, you know? And we like our spurs. We get all excited down there at the park. Spurs won another one, so we're good. We're in. But a lot of people don't understand that. They don't understand the heritage. This guy that was here earlier with the hat, he's a vato too, but he done forgot where he glue up at. He done forgot who he is.

[09:28:55]

[Applause]. You know? Somewhere along the line he lost maybe some marbles and he doesn't know that, hey, we're vat on ons, we're not going anywhere. We're going to be there. And we're going to stay brown and proud. Mike, we've had a lot of trust issues at once. And you made us believe that we could trust you and you lost that from us. You know, you just didn't stay down with the brown and proud, you just didn't. Somewhere along the lines you read too many books and you just

-- you slipped away. You slipped away. You forgot where you come from, your roots. Don't ever forget your roots. Like this lady here, I have a lot respect for her and I hope one day she will be our mayor. If you ask me, she would be a good mayor. But again

-- again, I'm just

-- I'm not speaking politics, but I have a lot of respect for what you respect. You know? And I think that a lot of us need changing. If you don't have changing, like again the homeless people, they need help. It's our responsibility to take care of them. And they're going to be down there at the park at night, they need it because they need help from us. Four percent of them are veterans and they're on the streets.

[Buzzer sounds] thank you. [Applause].

>> Mayor Leffingwell: Okay. Amaro. Larry amaro. Larry amaro. You have three minutes.

>> Good evening, mayor and city councilmembers. I just want to say first of all that I grew up in east austin, I went to palm school. I went to govalle, brooke, alan junior high school, johnston high school. What someone referred to as east side memorial, but we'll always call it johnston high school. It's always the rams. Okay. I want to say that I've been a part of the east town lake citizens association. I wish I had had a recorder to record berthia because what she spoke about talked about the history of the citizens that have been talking to city council or to staff about the plans for many, many years. And that's something that's been going on since back in the '70's, the '80's, the '80's '90's, still going on. We're here today because we're trying to put some plans finally into place. First of all, we need that maintenance that was talked about earlier. I've gone to several events there, the deiz y seis coming up. I went to that last year, the cinco de mayo, went to that, and we couldn't use the restrooms because they were a mess. We want

some improvements, regular improvements just like many parks. The parks are there for recreation. That's what we want it for. We have the baseball fields near longhorn dam. We have swimming pool, but the top sports in america, football, basketball, as well as baseball. We can use a football field for

-- I saw some signs asking for people wanting to be in flag football teams and we don't have a football field there. Use that land is going to be used for the food forest, make it used for recreation purposes. Put that football field out there. Let the children and adults use it, football, soccer, volleyball, many other things that can be used for. So those are the things that the neighborhood wants. We can do without that-- what was it called before? It wasn't called a food forest, it was called something else. It was called the sustainable, edible landscape community agriculture. But a rose is a rose. We don't want that. We can do without it. We can use the money also for planning for the bridges, all three bridges, those millions of dollars. You can use that in govalle park because th're asking for a center therend that is one of the parks that I use as well. And that money can really be used there. All we have right now is a teeny-tiny little shack and a little swimming pool with nothing else in that land. So we can improve things there as well. Make use of that money well. The other thing is I do want to mention that a lot of things were promised that berth mentioned before and those promises are promises that are broken.

[09:33:40]

[Buzzer sounds] we want our plan implemented. Thank you very much. [Applause]. Gavino fernandez. Go doe nateing time is alyssa montoya. You have up to six minutes.

>>

>> good evening, council, my name is gavino fernandez and I'll be speaking to you from the coalition of mexican-american neighborhood associations. This park is one of the most green, natural piece of park that is in the city that is not commercialized. The reason that it is that way is because of the hard fought fight and struggle by many of our elders. Mr. Rendon, he was a leader of our fight. And all his children. And what you're seeing today come speak of that future that we're talking about. Those are our leaders that are coming before you to address issues of her concerns. You have a town lake master plan that was adopted. That town lake master plan says no more brick and mortar along that corridor. This plan that is being implemented today violates the whole philosophy spirit and concept of the town lake comprehension plan. My request to this council is to put an indefinite postponement. Mayor, you made the best suggestion that I've known you to make since your 10 years as mayor, and that is to pass -- [applause]. Is to pass this beautiful issue to the next coming council so that the next district three representative can address this issue. And fiesta gardens. The restrooms are horrible. This government will not allow one business to set up and hold the restaurant and tell the restaurant you put port-a-potties out there. The hot sauce festival was so hot you could smell the urine and you were serving food 20 feet away. This organization, parks and recreation either needs to repair the restrooms or shut down that facility from being rented because it's a rip-off to people who are renting that facility and they have to burden additional costs just to bring in additional restrooms to address the crowds. Not only that, it is unhealthy. I mention this to sarah hensley a year ago. It has not been addressed. To my next step is reporting this to

the texas state health department because it is a serious issue. This whole process began with a [indiscernible], \$550,000 for home repairs were removed to do this plan. No one asked for a master plan from 35 all the way to longhorn dam. We were asking for a master plan to address the removal of the tanks at the holly power plant were gone. The consultants are the ones winning the whole issue here because they're the ones getting the funds. We need to invest in the roy butler trail. Someone mentioned the tejano trail. Didn't you rename is roy butler trail? That's what it is. Now that more and more people are using the park it's becoming more of a family park. And again, the reasons that it is a family park and it is a green space is because I hear from people that come from san antonio driving through austin when they look to the right and they see this beautiful green space we can't believe that is in the middle of an urban community. The reason it's there is because of the fight we put tory move the boat races and to move aqua fest. Now, the food forest to me is location. The young lady that spoke that she was from abj, we know a lot of families that live in rbj and they love to walk next to community garden and use that green space because they have benches. And they sit down. And they look at the birds and they listen. But with the food forest, that's not going to be available. If you want a food forest, you have guerrero park, you have govalle park. Take it over there to mansfield dam, somewhere over there. Because the issue that we have with these type of facility, it's just like the little islands you build on the road. Right now we have a lot of those in east austin and the median where you planted trees or whatever, they're dead. Why? Because there's no maintenance. There's no money. To take care of them. This is what's going to happen with the food forest. And you know, she's gone, somewhere else. All we're going to be left with is a residue of the information she gained for her dissertation at our experience. This is a fight. This is a traditional fight and there's a saying, you're fighting over a bone that has no meat. Whether you adopt this or not, there's not one cent to implement anything. Because of this before this to the new

-- defer this to the new council and take it easy. Thank y'all.

[09:40:18]

[Applause].

>> Mayor Leffingwell: Okay. Remember what we said about yelling and screaming. Applause only. Before I go to the next speaker I'm going to try to give everybody here tonight waiting, because I know this is going to be very trying tonight, this will be our schedule of items according to the way the agenda is set and governed. [] After this item we'll take up 38 and 141 together and then 75 and 148 together. Then 158 and then 122, 129, 130, 131, 132, lynn 133, 1 another and 135, 136, 137, 139, 141, 142, 144, 149, 150 and 158. That's the order. Remaining.

>> We're not doing 149 over, are we?

>> Mayor Leffingwell: No, no. We're not doing 149 over. Otherwise

-- all right.

>> Martinez: On 157 since we have only the folks signed up in favor and three neutral, they've agreed to just 30 minutes of public testimony on that one.

>> Mayor Leffingwell: Right. But that's in the 7:00 p.M. Category, which is last. The next speaker here is paul hernandez. Paul hernandez. Marcos deleon. Three minutes. Good evening, mayor, councilmembers, my name is marcus deleon, former county commissioner, president of

[09:42:47]

[indiscernible]. It's pretty interesting what's going on. I remember 1977 when the boat races, and I remember '78 when the vote came around to do away with the boat races, and afterward we were promised to work with pard to redevelop that land, which was basically just pecan trees, and that was it. Five of us got together, went to pard, they gave us a map, and that was the extent of pard's participation. We went to mr. Rendon's house that evening and we stayed until 3:00 in the morning mapping it out, what we would like. Ironically the beauty of it was all those trees that you see there are part of our goal, the return of vegetation around the shoreline. Some of the marsh is part of our goals. We wanted birds to come back and the squirrels to come back and the water foliage to come back. We want to make it a very natural park. There were houses before that. Before there was a park. And that was done. The only problem we had was the maintenance. I mean, that it was very beautiful when we first started. We have a nice playscape at the other end of the highway. 1978 on august the 23rd we proposed a seven-million-dollar project to improve that project in seven years and it was a year to put all that we had, a playscape, including a theater there in the water. Things that would be conducive for the neighborhood. Here it is 36 years later. I'm still here and mr. Rendon is still here and his children are here and his granddaughter is now president of the neighborhood association. It's ironic it's the same fight. We want the park to stay beautiful like it was, like the creator wanted it, very green and very beautiful. There are some things that you can put in it that are good for us like barbecue pits, but it's limited, benches, that are limited. But this plan totally commercial eyes that area.

[09:45:03]

-- Commercial lies that area. I think the new tenants would love to come to a natural park. There's no way in my heart I could really support something like that because I see what's going to happen. One, you use the nature of the park. Second, it will general gentrification of our neighborhood. Ironically before the new president took over, the neighborhood that was there, the elders all voted to oppose this plan. Because they understand what will happen.

[Buzzer sounds]

>> Mayor Leffingwell: Thank you, marcos. Alexandra castaneda. You have three minutes.

>> Good evening, council. I'm alek san da castaneda. I live on willow street. Wife been a homeowner for over 20 years. I am here representing the festival beach community garden and also liaison for the food forest. In 2009 the city council approved the use of community gardens in dormant parkland. So in 2010 is when the festival beach community garden was formed. And I became very involved because where I live there wasn't very many shade trees and I needed a place to garden and learn and I really wanted to meet a lot of the neighbors, my new neighbors and people that were interested in gardening and community gardening and that development. I was very interested in that. And so as a result I've been very involved. I've met a lot of great people. I'm on the steering council. I'm on the orientation team. I got a grant this year to save the monarchs and I'm on the rain garden

[09:47:10]

[indiscernible]. And I met a lot of young people that were very interested in the food forest when the city council started having all the meetings. And so there were very many opportunities for outreach and we've been participating, and I was very interested because there were lots of comment about the garden and people that were concerned about the fence. One of the things that the city council or the parks department mandated that we plant vines and berries on our fences, that we had to put up ourselves and pay for ourselves. And that is kind of the concept of the food forest. So it's been very lovely to see all kinds of people from homeless people, walkers, runners, bike riders, come enjoy the fruit and the children to pick the fruit and people from all walks of life, rich, poor, homeless, tasting berries, tasting grapes, and that is the notion of a food forest. Having a little snack, remembering picking things. And also just learning from this positive group. That's the thing -- the beauty that's come out of the community garden is creating things with the community and learning from each other. And we constantly are learning all kinds of techniques. Permaculture of plant guilds and a lot of these plants are based in ancient traditions and bringing that together. I think it's a really interesting argument because everybody wants to preserve the park. And you have that mission as the council to preserve this beautiful gem that is town lake, that is unspoiled. Because I also go kayaking there with the seniors and I invite you to come next wednesday. We'll be at the camacho center. We're starting again. And that is lovely. [Applause].

[09:49:13]

[One moment, please, for change in captioners]

>> we have consistently asked town lake residents to meet with us. Mrs. Delgado and her colleagues haven't accepted that invitation. We've not opposed to football fields and better maintenance in our parks. We have had regular public meetings open to the public. Three, in fact, in the last six weeks and we're having regular conversations with the minorities and elderly of the rbj center and the festival beach garden and there are no closer residents, no closer neighbors than those two facilities. Food innovation in central texas is world famous. We have vigorous world

-- world-class chefs who know the unique ways to consume food. There's a global movement about learning, applying and adopting sustainable regenerative perennial local agricultural techniques and we have the possibility to be at the forefront of those conversations. We know the city and park and a majority of citizens support water-wise landscaping and he had I believe landscaping. Through the implementation of the holly shore plan and the festival beach food forest we have the opportunity as citizens of central texas with its incredibly withered neek climate to explore successful methods of combining these two, developing a seed bank and knowledge center for the unique plants and methods to grow a food forest in central texas. All the while enhancing and expanding our local food economy. Additionally, we have the opportunity to be on the forefront of this national discussion about food forest urban agriculture and community design. By hosting the garden in the center of our great center, at central as it gets, we'll demonstrate our commitment as austinites to community wellness, jirl

justice, cutting edge outdoor recreation and amazing local food. Considering that our climate is changing, considering that the rising cost of petroleum-based industrial agriculture is skyrocketing and the inability of large portions of our citizen base in austin to access free or fresh food, this is an awesome opportunity. We know it's good, we know it's smart, we know it's fun. Tonight is the night that you guys vote for this. Thank you very much.

[09:52:15]

[Applause] were.

>> Mayor leffingwell: Anthony munoz? Anthony munoz. You have three minutes.

>> Thank you.

>> Thank you for allowing me to speak. I just want to start off by mentioning 245 the city of austin has an epidemic typhus, and typhus comes from fleas, and the fleas are coming from rodents. And since we've had new development in our area, these raccoons, possums and squirrels have been pushed out from these old homes, I hate to say it, you know, because they were old. And now we have these new developments, so these animals have nowhere to go. So what do they do naturally? They eat in the food forest, and they create more fleas and they become abundant, and I walk in the lower east austin at night because it's cooler, trying to lose a little bit of weight, and I see possums and raccoons the size of dogs, you know, coming in and out of the sewers, and I ask myself, how can we have a food forest and we're just going to make them fatter and they're going to

-- they're going to multiply? You know, I'm sorry, I'm talking about what I see with my own eyes. And not only that, there's another issue

-- so no against the food forest. We don't need more typhus in the austin area, and that is coming from the cdc. I wish I would have downloaded a copy tonight, a paper to show and make the city of austin aware of what's really going on. The next thing I wanted to mention, the letterman with the master plan, bettering the park and doing all these other shops or whatever. We don't want the classic like rollingwood, zilker park, creek, the have

-- I know those residents hate acl and I know they hate south by southwest because they can't even go to the store and get a gallon of milk, you know, for 15 minutes or 20 minutes because it takes them just an hour to get home from the neighborhood store because there are thousands of cars in those areas, and we don't want those

-- we don't want those traffic problems in our area. We want to preserve and keep everyone in [inaudible] park where it is. We definitely need major up keeping in the bathrooms, more facilities, like more recreational stuff, soccer fields, volleyball courts would be nice, tennis courts. The tennis courts suck, excuse my language, and we just

-- the park needs a lot of preservation, and we'd like to keep it a park, keep it a park and, yes, I know the economy is growing

-- the economy is getting tougher with food prices, and yes, you know, it sounds feasible

-- thank you.

[09:55:37]

>> Mayor leffingwell: Thank you. [Applause] tino dominguez. Tino dominguez. Okay. I was just

thinking, you know, the city has this wildlife habitat program for people's yards, and one of the requirements is to have a food source in there to attract wild animals. You have three minutes.

>> Okay. My name is tino dominguez, and I'm part of team atx. We're over at 30 car clubs and have gotten together and we offer the community

-- we did a school drive about two weekends ago to get school supplies and we did it there at the park. We know it as chicano park is what we've always called it. We go out there every weekend. We all have lowriders, we have cars that we go out there and, you know, show for everybody. The parkoes need a lot of improvements. I have four kids. I take my kids with me out there. Of course the restrooms are bad, the playground is bad, there's no covers over the playground or nothing like that, so of course the playground gets hot. As far as this garden goes, I mean, I think it will help out, you know, as far as like

-- I wouldn't mind taking my kids there to get stuff when we go to the park. Like I said, I have four kids. Can't go to McDonald's and buy four kids food. I'd rather let them eat healthy. But my main concern is just making sure the park is cleaned up, you know, to where we can continue to enjoy our time there with our kids, with our families. About two months ago we had a deal teammate,atx, we spent the day out there, barbecued hung all all date long, no problems, no bickering between anybody. We were all trying to get along, and not all of us, you know, you know, live there on the east side, but we use the east side. We use that park. We use that park every single weekend, every single weekend we are out there. If you go out there on a sunday you'll see one of us out there. We're out there every sunday, like clockwork. I mean, it does need to be cleaned up

-- sorry, it does need to be cleaned up, you know, stuff needs to be done to make the park look better, more

-- I have three daughters, and I don't like my daughters using that restroom. I'd rather drive them, you know, a couple blocks up to have them use a restroom than use a restroom there in the park. A lot of times there's no toilet paper and stuff in there, the doors don't close, you know, it's just

-- it's not good. So I just ask that you guys consider, you know, improving the park, and as far as the vegetable forest goes, you know, that's something that I think would be beneficial to a lot of people that go there. We barbecue there a lot. You know, we could go get stuff from there that we could use when we're barbecuing, you know, so I mean, it's free to the public, you know, people can go in there and get stuff for free. I didn't know this. I just found this out, that it's free

-- it was going to be free for anybody to go there and get something, and I think that it would work out great to help out, you know, with people that go there to the park. But thank you all for you all's time.

[09:59:02]

[Applause]

>> mayor leffingwell: Council member tovo?

>> Tovo: I want to ask our staff, you know, we've heard so much testimony tonight about the restrooms, and I can submit this as a formal budget question, but I would like to know from our park staff if there are any

-- any improvements planned at the restroom or maintenance and if you would like to respond to that through the budget office, that's fine, or if you'd give some answers this evening.

-- Got some answers this evening. It sounds like conditions people are describing really need to be addressed and I know that's a challenge you have throughout our park system.

>> Good evening. Cora Wright, assistant director for the parks and recreation department. Thank you for the opportunity to speak to that issue. What we've heard is a lot of testimony regarding the condition of the restrooms in the park, and the department does acknowledge that these restrooms do not meet the needs of the community. They haven't for a long time. The condition of those restrooms are such that they don't have the capacity nor are they accessible from an ADA standpoint. And so this master plan includes, and I'm having the consultant really walk you through real quickly because many of the things we've heard tonight are the very kinds of things that we want to address in the master plan. Those restrooms are, as I mentioned, are not accessible. We do not rent them for events. They are not acceptable for the public, and that is why they have been taken off-line and not made available to the public. So with respect to your question about what is the plan, within the master plan you're going to hear about improvements of the restroom facilities. You will hear about the intent to add playscapes. You will also hear about the intent to add water fountains as well, and so we do have a limited amount of money. As we speak today we have about \$2 million from the 2012 bond, and what our plans were for that money were first to start to look at those things that make the park safe, so in terms of pedestrian traffic so that we can ensure that you can go from the RBJ facility and get into the park and move around, that it's accessible, so we want to address public safety, accessibility, and of course our restroom facilities. So if you

-- if I may, if we could just point out real quickly some of those improvements that we've heard about tonight, because it is consistent with what the plans that are discussed in the master plan.

[10:01:43]

>> Mayor Leffingwell: It would really be best if we could do it in the course of the discussion after

--

>> Tovo: I'm comfortable

-- I really appreciate that background. It's been a while since we had the presentation about the plan and I had forgotten the extent to which the restrooms were a component of it, and I guess then I would just have one more very short question.

>> Mayor Leffingwell: That merits a short answer.

>> Tovo: How

-- what would you say

-- it sounds like the restrooms are within the short

-- within the near term improvements.

>> Yes. The restrooms are ones that are consistent with our intent to improve public safety, to improve accessibility and to make sure that the facilities and amenities out there are safe, and so to that extent, as far as the \$2 million will carry us is how we plan to utilize that.

>> Tovo: Great. So

-- and are those

-- is the work on the restrooms and the other things you mentioned, the playscapes, is that contingent on our passing the plan?

>> Well, we have the 2012 bond dollars now. The master plan has been under discussion for the last two and a half, almost three years, and the intent was to engage the community in looking at the entire needs of the park, and to also share with them

-- this has been a discussion about how accessible and how safe the park has been, but a plan has been that once the master plan has been adopted by council, an implementation committee would be formulated. They would quickly go to work in prioritizing those needs. We would suggest public safety, accessibility and improving access would be considered as the top two or three priorities. But the whole purpose of a master plan is to try and bring all members of the community who have an interest in the park and who use the park to join with the department in helping us prioritize what those needs are. The department could have moved forward without this community input. What I hear tonight is a confirmation that public safety is important, accessibility is important.

[10:04:12]

[Applause]

>> good evening mayor, council members. I actually don't have anything specifically that I was going to say. I mean, it's a little bit frustrating, I guess, to hear all the opposition and then also just all the different concerns that all of us have. And I really think that it's really not important debating the fact whether or not east east and east town lake neighborhood association made any efforts to meet with each other. At the end of the day we didn't meet, so who was wrong

-- it doesn't really matter at this point. We would like to keep edward rendon senior park a neighborhood park. I don't know how much more simple that can be. We want to keep it from becoming a metropolitan park. We use that park just like, you know, some of these other people do here as well, you know, for birthday parties, like they said, you know, reunions and -- we grew up in that park. I mean, my grandpa who is still sitting back there is one of the pioneers, and we could go on and on and on about that. But the end of the day I know, mayor, you've seen us here over and over and over again. Some of us might be loud. It all just comes from the passion that we feel for this park. We feel this for this park, we feel that, you know -- that the food forest

-- I have to agree that the concept

-- it's a good concept, but does it belong in a neighborhood park? Absolutely not. [Applause] back in december, mayor, when we spoke to you directly and we brought up the fact that we hadn't, you know,

-- cora just brought up about the community input and communication and things like that. We brought it up to that we had not

-- there had not been open lines of communication all the time. And in december you had moved to completely kill this idea, and then ms. Cora wright came up and said, no, no, no, wait a minute, there has been, and then you said, well, we'll just go ahead and postpone it. We were this close to getting this whole thing done. All we ask is that whatever recommendations that we're asking for, that they just be implemented. That's all we're asking for. Thank you.

[10:06:56]

[Applause]

>> mayor leffingwell: All right. That's all the speakers that we have on this item. [Applause] I'll entertain a motion.

>> Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: Well, I wanted staff to come up. I think they wanted to touch on a few more brief items in the plan, or were you able to do that? If not, I do have some questions.

>> If you will allow us to just highlight a couple of things that I think would be of interest to the publi.

>> So very briefly I just wanted to highlight some of the areas that I believe some of the citizens were talking about, the restroom facilities. So directly in the center of the plan, you see the lagoon, and just to the left or to the west of the plan, there is the martin pool. So there are restroom facilities there that I believe that are substandard and in need of repair and renovation, but we also have restroom facilities further to the east of that plan. You see he is room facilities at gardens. Excuse me. Well, while we're waiting, I don't know if you had wanted to ask your questions. Got it.

>> Okay. Okay. So in the center of the plan you see the lagoon, and just to the left of the lagoon at the crossroads there you'll see a pool. That is the martin pool where the restroom facilities are currently in need of repair and renovation. And then as you head east you've got another restroom facility of fiesta gardens and east of that you have grandma camacho center are restrooms are there and further east and north are the cooling pond is metz park and there's restroom there at the cooling center. By the martin pool there's an existing playscape we want to be able to enhance or add to. There's an existing existing existing playscape at metz recreation center or metz park we want to add to as well but we also want to point to two new playscapes we wanted to add, so if you look towards the center of the plan where the lagoon is and fiesta gardens, just to the right right of that is a proposed new playscape area and just to the east of that to the right, where the ball fields are is another proposed playscape area, and that's designed for, you know

-- those parents with children who aren't playing softball or organized sports, and so they have something to do. And that's

-- that's really all I want to share.

[10:09:46]

>> Mayor?

>> Mayor leffingwell: Council member martinez.

>> Martinez: So I wanted to ask, because ms. Wright, you brought up the point of the \$2 million that's available from previous unspent bonds for parks and rec. Can you give us a synopsis of what was just explained to us, of what could fit within that \$2 million? I mean, would

-- would some of the new playscapes and shading a part of that? Would amenities to the party pavilion, not the delgado pavilion but the party pavilion where the barbecues take place, where

exactly is this \$2 million going to do? I think that is a really important question for us moving forward because I think there are certainly items that we feel are much, much higher priority if we move forward with a planning tonight.

>> The \$2 million that we spoke about earlier this evening, when you're modifying restrooms, for example, the accessibility to make them more accessible obviously can be somewhat costly. We would look at costing out both the restrooms and then the accessibility pathways, the trails, so that people are able to be safe. I don't have a cost estimate tonight unless someone on our staff does, but they can't

-- it can be very costly. I would suggest to you that what we would recommend is if this is a priority that council would support and the community, then we would immediately cost that out as one of the priorities and see just how far it would go. I really can't tell you exactly because we don't know what we'll run into when we start to break down some of the restrooms or some of the other accessibility pathway challenges. So 2 million is not a lot of money, and obviously our need for improvements at this park far exceed the \$2 million, but we would apply those and try to make them stretch as far as we can. We're happy to come back and give you a cost estimate.

[10:11:53]

>> Martinez: Thank you.

>> But I don't have it tonight.

>> Mayor leffingwell: I wonder, could you provide me a thumbnail sketch of the

-- all the speakers who spoke in opposition to this, what their main points of opposition are? I know one, of course, was the community garden.

>> I think the first thing, and it was said in many ways, is that the public that we period tonight first of all want this park to be treated like a family-friendly park that is accessible to those who live in proximity

--

>> mayor leffingwell: How does that translate into changes with your plan? Your plan is not family-friendly?

>> The plan is family-friendly. But that is the message that we heard, and one of the things we heard is that as we plan the reuse of certain buildings there, that we keep in mind that the community wants it to remain family-friendly and not to become very commercialized. And so I'm relating to some of the requests that were made that we would keep events to a minimum there so that it doesn't become a citywide attraction, and so the neighborhood is very much interested in it remaining family-friendly. Secondly, we heard that there is a concern about the food forest. There are some who

-- who

-- shall I continue?

>> Mayor leffingwell: Yeah, I was calling that community garden. I guess it's the same thing.

>> Food forest, yes, sir. And we heard tonight that there were some who are interested in reducing it from two acres to one acre. So that would be a consideration that we could make. Obviously being accessible

-- making the bathrooms accessible in the areas is one of the other major issues.

>> Cole: Mayor?

>> Mayor leffingwell: Mayor pro tem?

>> Cole: I'd like to call up what I understood to be the primary representatives of both sides, elizabeth walsh and bertha. Are you both still here? Will you come up to the microphone a second and then I'll follow up with you, cora. I just

--

[10:14:16]

>> uh-oh. [Laughter]

>> cole: I heard from

-- I heard from both of you on different occasions that it was important to have sidewalks and to also make this area ada accessible, and I want you all to confirm that on the record for my colleagues.

>> That's essential, and it's horrible right now, going out as far as people from the lbj center

--

>> speak into the mic.

>> It's horrible right now and going on a tour with lbj when we went through the food forest, they took us around, you can't even access the beautiful park that's there, because there's cuts -- there's no wheelchair accessibility. It's horrendous.

>> Bertha, do you have the same sentiment?

>> Actually that's a part of our recommendation, ada compliance and accessibility for our handicapped and our eldrly.

>> Cole: I would just suggest that the \$2 million, if you both are on the same page what it should be used for as a priority item that we put that in the mix with cora. Cora, now you can come up. Where did she go? So, cora, once we get a motion on the floor I'll just say that now I'd like to direct you to make the sidewalks a priority as well as making this area ada accessible.

>> Mayor leffingwell: Okay. Council member morrison?

>> Morrison: One of the things ms. Wright was mentioning was of a concern was that this park remain a family park, and it's one of the issues that we actually wrestled with a little bit many months ago when we heard this, and I had asked staff for some help. One of the things is that this is part of a metropolitan park, but what we want to do is make sure it's treated as a neighborhood park. And the plan that we have in front of us now has lots of text about maintaining the neighborhood character and all of that, but I guess what I'd like to do is get a motion on the table to approve this and then

-- and then we'll make lots of amendments, but I would like to go ahead and make the motion to approve the master plan

--

[10:16:34]

>> mayor leffingwell: Motion by council member morrison to approve the master plan. Is there a second?

>> Second.

>> Mayor leffingwell: Second by council member martinez.

>> Morrison: So the first amendment I would like to make is

-- and I'm not exactly where to add it, but the language I want to add to it will say, although Edward Re Rendon Senior Park is a part, it needs to retain the characteristic of a

-- any future redevelopment of the 99 acres should ensure a primary goal of serving the surrounding neighborhoods. So that

-- and

-- [applause] maybe I could just make that as a request to ask you to find a place to add an appropriate

-- an appropriate place to add that in the plan.

>> We can certainly do that, as an overarching principle for this master plan.

>> Morrison: Right. So that would be

--

>> Mayor leffingwell: Council member martinez

-- that's accepted.

>> Morrison: And then you all listed out in this memo the points of consensus and then the two

-- the bridge and the food forest. On the points of consensus, are those now addressed in the plan or do we need to make motions to amend the plan to do all of that?

>> They are all now a part of the revised master plan, the points of consensus.

>> Morrison: Great. And one of the points of consensus that is in the plan that I think is very important is that the pavilion will stay in its current location, but reorienting the stage. But you said in the memo, you further support the council's consideration of a policy that would limit the size and number of special events hosted at this site. Would you

-- how would you recommend we go about doing that? I don't think it's appropriate tonight to start picking out some

-- some numbers.

>> There are two ways that we can consider doing that. One as part of the adoption of the master plan, and at a department level we would have a discussion about existing events because I know that it's important to this community to continue certain existing events but have more conversation with the community about the size and the number of events that they view as tolerable and are compatible with the neighborhood character. That's adjacent to the neighborhood. So by a department policy we could have a discussion about limiting the number of events. Of course the council has in the past passed resolutions that limit the number of events in other parks that we have, if the council so chooses to do that, you may, but we've already heard that message loud and clear from the neighborhood. We do think it is an appropriate thing to plan events in such a way that the community can enjoy, but it not become a nuisance to the adjoining neighborhoods.

[10:19:32]

>> Morrison: I think personally I would be a little more comfortable if we made sure that the limitations were adopted by council so that we can make sure that, you know

-- in case there's a disagreement. [Laughter] which there might be. There could be a full discussion about it. So I wonder if we could put something in the plan that says there will be

limitations on the size and number of special events that limits our

-- that the limits are adopted by the council, will be adopted separately by the council. So that would be an amendment that I make.

>> Mayor leffingwell: Council member martinez?

>> Martinez: Yes.

>> Mayor leffingwell: Council member martinez accepts that.

>> Morrison: And then we've got the bridge and the food forest to deal with. Are they both in what's in front of us now so we would need to make a motion to take them out, or they're not in and we understood to add them if we want

-- if we're so inclined?

>> They're both in. The food forest is in and the bridge that has been under discussion tonight is in the plan as a future option.

>> Morrison: What does that

-- can you help me with the language that's used, a future option? Like

--

>> generally speaking, as the plan moves forward and we anticipate that this may be a 15-year or longer plan because of what it's going to require to implement the, the cost of implementing it. At a point that the implementation team has set the priorities, that this last bridge, or the one in the middle, would be considered after the outer two bridges have been funded. Am I correct? So as an option, to implement the third bridge. So by adopting the plan does not mean that the bridge in the middle that connects both the north and south will occur, but that it is an option for consideration during the implementation phase. It could be that the implementation team chooses not to implement that or any other aspect of the plan.

[10:21:48]

>> Morrison: I guess personally I am inclined to leave it in as an option, but I'd feel more comfortable if I knew exactly what the language was so that it

-- in the plan. Can you point to the page number, perhaps, that it's on?

>> I'm going to have our consultant point to

--

>> mayor?

>> Mayor leffingwell: Council member

-- excuse me, martinez?

>> Martinez: I'm following your line of thought. What I would ultimately like to do is require that if that option is exercised, that a future council at that time has a vote and a public hearing on that before any of that can move forward. [Applause] so we will

-- I mean, we can keep it in the plan, but if we added that as friendly amendment, then we can just move on. So I'd suggest that as a friendly amendment, that if the option is exercised for the third bridge, that it come back for council, be posted for a public hearing and be voted on by a future council at that time.

>> Morrison: That

-- that's fine with me and I think that means we don't really need to look at the language specifically.

>> Mayor leffingwell: Okay. So that amendment
-- that amendment is adopted, the option for the third bridge, if it's approved would have to be sent back to council for approval.

>> Mayor?

>> Mayor leffingwell: Council member martinez?

>> Martinez: I wanted to ask, since we're almost toward the end of the year, we have the fourth quarter left, do we know how many events

-- how many private events that are paid to enter happen at fiesta gardens this year? At Edward Rendon park.

>> I don't have the specific number, but if you ask me a follow-up question I might be able to help. Are you looking for the total number of private pay

--

>> martinez: Well, I think

-- if I could get that number, I wanted to also contemplate a friendly amendment to the plan that would preclude any more events than what we currently have, you know, until a future council can make a decision as to whether or not we want to add additional events to what's already going on. I don't want to preclude the events we've already approved and, you know, that are in queue and that are going to happen this year, but I do think there is some merit to -- if we're going to move forward with this plan, let's figure out this \$2 million, where it's going to go, and then let a future council decide if we want to have any more event days than is already occurring.

[10:24:31]

>> Mayor, I -- may I offer an alternate idea?

>> Sure.

>> That we might move forward with accepting the current number of events and any additional ones to be added, the department would prepare a recommendation for council consideration.

>> Martinez: Fair enough. Perfect suggestion. Thank you. So we would limit the number to what we end up with in 2014 and then any additional requests above that would come to council?

>> And the only thing that comes to mind is if we've made a commitment for '15 that I may not be aware of. But yes, those that are on the books tonight and that we know we have a pending contract would be our base.

>> Martinez: The last

-- the last, I guess, friendly amendment I'd like to make is

-- I know \$2 million is limited. I know you're going to come back to us with kind of a better estimate, but I want the fencing to be a priority in that \$2 million, the temporary fencing, so that we can bring down those barriers and create more open space. [Applause] and when the events happen, if fencing is needed, we own that fence, we can supply that to those events that occur. I just think that's a

-- that to me is a big issue, because if we tear the fences down now without purchasing temporary fencing, the fiestas and, you know, events that happen are going to have to spend thousands of dollars on temporary fencing to all those events. So I just want to make that a

priority as a friendly amendment in that \$2 million.

>> Thank you.

>> Mayor leffingwell: What is

-- maintaining the fencing or

--

>> martinez: No, that purchasing temporary fencing so that the permanent fencing can be removed is a priority.

>> Mayor leffingwell: Okay. Is that accepted, council member morrison?

>> Morrison: Yes.

>> Mayor leffingwell: And I'm not sure I quite understood what was said about the food forest. You said

-- you said it was in the plan, but what's in the plan?

>> The food forest is in the plan, so once you've adopted the master plan it would go forward at 2 acres. There was some discussion tonight about reducing it from 2 acres to 1.

[10:26:36]

>> [Inaudible] as a pilot [inaudible]

>> mayor leffingwell: Council member martinez?

>> Martinez: So how do you do a food forest as a pilot program? That would seem to be a multi-year pilot program.

>> I interpret the input from the community tonight is that the food forest concept is a good one and certainly has educational value, and also community building value. However -- instead of doing two acres, starting out as two acres, let's see how successful we'll be with one acre and revisit that in expansion in the future.

>> Martinez: Can I ask the gentleman who actually spoke to this issue with the beard, I'm sorry, sir, I don't remember your name. You said this is part of what you do for a living.

>> Yes, sir, it is.

>> Martinez: So if we did a one-acre pilot program for a food forest, how do you envision that or how would we envision that? Would it take a year and a half, two years, three years, to run a full pilot?

>> That's a great question. We had looked at the entire two acres and actually split that into a three-phased implementation considering limited volunteer ability for implementation because we were not expecting any funds from the city for the design, purchase or management of this project. But that the original three-quarter acres, the square footage of that property would be planted out and we would look at phase 2 and phase 3. As time went on, as new funds were secured for plant material, equipment, irrigation, things like that, and then the third phase we were actually waiting on to complete the designs because the rbj center is itself undergoing a design and we were hoping to integrate rainwater harvesting techniques from that design and from the parking lot to be redirected into the food forest square footage site there so that we could use that water both as a demonstration for water harvesting techniques and for the success of the food forest itself.

[10:28:48]

>> Martinez: So if it's three phases, did you anticipate each phase in equal parts? So if it's a full two-acre food forest, it would be less than an acre in phase 1, less than an acre in phase 2?

>> Yes.

>> Martinez: So what I'm going to suggest as a friendly amendment is that we move forward with a pilot program for phase 1, which is less than an acre, and then any further expansion of that, again come back before the council with a public hearing so that we can figure out did it work, did phase 1 work, is the pilot actually providing what we thought, and then let the future council decide if they want to expand that to the full two acres or just phase 2.

>> I think that's acceptable. Thank you.

>> Mayor leffingwell: I believe equal parts would be two-thirds of an acre as a pilot.

>> Martinez: That's correct.

>> Mayor leffingwell: All right. That's accepted.

>> Martinez: And the last point I'll make is I understand this food forest issue is a concern, and I share some of those concerns. I don't share enough of them to not move forward with at least the first phase, but we actually have a food forest right on lady bird lake already at butler pitch and putt, coincidentally, which was another agenda item earlier today. The family that's been running that for 50 years has purchased only food-producing plant -- trees to plant at butler pitch and putt, and I daresay it's been fairly successful. So I'm going to be supportive of the first phase, but any other multi-phases needs to come before the council with a public hearing.

>> Mayor leffingwell: All right. Motion on the table with, I count, five amendments.

>> Cole: Mayor?

>> Mayor leffingwell: That have been accepted as friendly. Mayor pro tem?

>> Cole: I'd like to also make a motion that the

-- the two million be prioritized for sidewalks and ada compliance.

>> Mayor leffingwell: Okay. So that's a friendly amendment that a priority be given in the \$2 million allotment for accessible sidewalks, sidewalk accessibility.

[10:30:59]

>> Morrison: That's fine with me although we just added another priority for temporary fencing. So all three would be

--

>> mayor leffingwell: Is it acceptable, council member martinez?

>> Martinez: Can you repeat the

--

>> mayor leffingwell: It's add as a priority along with the fencing, add sidewalks.

>> Cole: And ada compliance.

>> Martinez: I will accept that as friendly but if you'll add just a little bit to that, that we also look to public works for that funding and not necessarily 2 million out of parks funds. To me it's an infrastructure project that I think we could fund through our public works department as well, partnering with them. We as a council have made a commitment to accessibility, and cap metro has too, giving the city \$3 million each and every year. I would be fully supportive of

using some of that \$3 million to create the accessibility and connectivity that we need through the parks from public works and not necessarily out of that 2 million, but I would support it as a priority.

>> Cole: I'm not against where the funding comes from as long as it's done.

>> Tovo: Mayor?

>> Mayor leffingwell: Council member tovo.

>> Tovo: And I heard a count of three, but I only heard two items. I have one of those as restrooms. [Applause] I'm sorry, what was it?

>> Fences.

>> Tovo: Fences, sidewalks, accessibility but some of the accessibility is also sidewalks. Those are linked, right?

>> Mayor leffingwell: And what I have is retain district

-- district park characteristics.

>> Tovo: Well, and that wasn't part of the funding priorities, so I don't know if we should make

-- I should make this as a formal amendment or not but I do believe

-- [inaud [inaud ible] amendment.

>> To gotcha. I know \$2 million doesn't go far but it seems like the restrooms need immediate attention.

>> Mayor leffingwell: Why don't we say prioritize restrooms, temporary fencing, sidewalks and ada compliance.

[10:33:03]

>> Tovo: Sounds like a good plan. [Applause]

>> cole: Mayor?

-- Mayor, I'll see if this is friendly to the makers of the motion. I also heard from the stakeholders that there is a desire for water fountains and picnic tables throughout the park. And I will make that as a friendly amendment. [Applause]

>> morrison: I guess I'd like to

-- I think that's already mentioned in the plan, that's all part of the plan already.

>> Cole: Okay, well, people were not sure that it was sufficiently said in the plan and part of the plan.

>> Yes, and that is, picnic tables, drinking fountains and restrooms are all part of the plan.

>> Mayor leffingwell: Okay. All right. Motion as amended. All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes 7-0. [Applause] [cheering]

>> mayor leffingwell: We can take item 139 out of order because it was listed on the changes and corrections, announced that it would be postponed at 4:00 p.M. Till september 25. We'll entertain that motion. Motion by council member morrison, second by council member tovo. In favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 7-0. And that brings us to items 138 and 141 together.

>> Thank you, mayor and council. Thank you, mayor and council. Item no.138 is to approve an

ordinance to annex cascades municipal utility district no.1, annexation for the limited purposes of approximately 136 acres in southern travis county and east of ih-35, approximately for four-tenths of a mile south of the intersection of ih-35 south at onion creek parkway. We would offer this as a consent item. Its related item to item 144

-- or 141, which is to conduct a public hearing and approve a resolution authorizing the execution of a strategic partnership agreement, an spa, between the city of austin and cascades municipal utility district no.1, which includes the immediate limited-purpose annexation and possible future full-purpose annexation of the mud. There was an issue that arose last time that this item was before council regarding providing water, wastewater access through an easement to another property. I believe that has been taken care of to the satisfaction of that property owner. I believe the representative of the cascades mud is here, mr. Richard suttler, and the attorney representing the adjoining property owner, peter cisneros is also here, if you have any questions of staff, I'll be happy to answer them or my staff will be answering at this time. Thank you.

[10:36:10]

>> Mayor leffingwell: We have one

-- one speaker on these items together, is peter cesaro. No need to speak. All right. Do we have to take these in a specific order, mr. Guernsey? 141 and 38?

>> No, mayor.

>> Mayor leffingwell: I'll entertain a motion to approve item 38.

>> So moved.

>> Mayor leffingwell: Council member martinez moves to approve.

>> Second.

>> Mayor leffingwell: Second by council member spelman. Further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say n.

>> No.

>> Mayor leffingwell: Passes on a vote of 6-1 with council member morrison voting no. And so we go to item 141. I'll entertain a motion to close the public hearing and approve the resolution

--

>> so moved.

>> Mayor leffingwell: Council member martinez so moves, and I believe that's council member spelman on the second. Is there any further discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 5-2 with council members tovo and morrison voting no. Okay. And that brings us next to items 75 and 148 together.

>> Mayor?

>> Mayor leffingwell: Council member morrison?

>> Morrison: Mayor, given that we have hours and hours of testimony still lined up after this, and we're very close to 10:00, I am going to throw out a proposal that we end at 10:00 or -- at 10:00 or at least through these two items, and reconvene at noon tomorrow.

>> Mayor leffingwell: So the motion is to finish item 75 and 148 together, then go into recess until noon tomorrow.

>> Morrison: That's right, mayor, because I think looking at the fact that we probably have ten hours of testimony in front of us still, that would take us till 8:00 in the morning and I don't think that's reasonable.

[10:38:20]

>> Mayor leffingwell: I agree, is there a second to that motion?

>> Yes, mayor.

>> Mayor leffingwell: Council member spelman seconds. Those in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no.

>> No.

>> Mayor leffingwell: Passes on a vote of 6-1 with council member tovo voting no. So we will finish these two items and then go into recess.

>> Thank you, mayor and council, item no.75 is approve an ordinance amending city code chapter 14-9 relating to the display of signs, merchandise and accessories on city sidewalks, and this is related to item no.148, item no.148 is to conduct a public hearing and consider an ordinance amending the city code, chapter 25-10 relating to requirements for sidewalks and merchandise displays

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>> mayor leffingwell: Hold on. Just pause just a minute. Could I ask everyone to hold down their conversations until you get out of the chamber? We can't hear the speakers. Okay mr. Guernsey.

>> So mayor, on item no. 148, which is the sign amendment, I don't believe you have any speakers signed up.

>> Mayor leffingwell: Well, we're considering them together.

>> Okay. And we have

--

>> but there were at least five speakers on item no.75 that I'm aware of.

>> Mayor leffingwell: Right. Right. We're combining the speakers

-- the presentation and the speakers.

>> So I just wanted to make that known so

-- I think you have at least five speakers on 75. I'm not water of any on 148 that wish to speak. But I know that you do have some on the other item. So staff is here. If you have any questions.

[10:40:24]

>> Mayor leffingwell: Okay. We'll go to the speakers. Jennifer macphail?

>> I'm jennifer macphail, I'm with adaptive texas. We just wanted to be in support of making sure that the path of travel is accessible. It's our understanding that there's a requirement that six foot of sidewalk be clear so that you can access the sidewalk. We support that. We hope you will too, and that's it. Thank you.

>> Mayor leffingwell: Thank you. Highwood sell

-- sellwits?

>> I donated my time.

>> Mayor leffingwell: Nancy crowder? Albert metz?

>> [Inaudible]

>> mayor leffingwell: Freddie gonzales?

>> [Inaudible]

>> mayor leffingwell: David witty?

>> Thank you, my name is david witty, I'm also with adaptive texas, and I heard last week at the urban transportation commission that even though there are so many signs and display boards and marquis outside of businesses now that are required to have permits, that the city has issued one permit. So I hope that you are able to properly regulate the usage of signs and merchandise displays outside businesses. I appreciate knowing what's on sale. I want to know what today's soup du jour is but I also want to get into the restaurant and get down the street and I also want to get to my other appointments and meetings. So we support this and we hope that, you know

-- that the businesses will support it and abide by it. Thank you. And the city will enforce it.

>> Mayor leffingwell: Okay. Molly alexander. Molly alexander?

[10:42:30]

>> [Inaudible]

>> mayor leffingwell: Albert metz, do you want to speak?

>> My name is albert metz. I just wanted to say that we need access to sidewalks in austin.

Okay. Can you hear me now?

>> Yes.

>> He's just saying, my name is albert metz. We need better access to sidewalks in austin. What else? Where I live right now there hardly is sidewalks. The part that has sidewalk is very narrow. And there are big gaps in the sidewalk. Big signs in the sidewalk. There's gaps in the sidewalk. Thank you.

>> Mayor leffingwell: Okay. Molly alexander is not here? So I'll entertain a motion on item 148 to close the public hearing and approve the ordinance. You just

-- you signed up not wishing to speak.

[10:44:48]

>> Oh, I intended to speak.

>> Mayor leffingwell: Go ahead.

>> I'm sorry, thank you. I meant to sign. Thank you. You know, I appreciate the

-- the

-- my name is david king. I live in the zilker neighborhood, but I do appreciate the emphasis on trying to make sure the sidewalks remain accessible and I think that's important but I'm concerned we're going from a model where a permit is required before you can put a display or a sign out to a model that says, no, you don't have to have a permit as long as you say yes, it's okay, it's accessible, and we're

-- we're complying with the

-- the ordinance. And so that's an honor kind of system, and it's like a complaint driven thing. If there is a problem, then

-- then they come in and check it out and say, oh, you're not complying, oh, and you don't have liability insurance, so I'm concerned about changing that to become a complaint-driven or an injury-driven strategy. I think we're going in the wrong direction here. I think we should have a permit required up front and verification that they do have liability insurance. It would be very sad for us to get into a situation where someone does get injured and then they don't have liability insurance. So I'm very concerned about this and I wish that

-- I hope that we can change this ordinance to require the permit up front and to verify that they have liability insurance up front. Thank you.

>> Mayor leffingwell: Now that's all the speakers and I'll entertain a motion on item 148 to close the public hearing and approve the ordinance. Council member morrison so moves. Mayor pro tem cole seconds. Is there any discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye.

>> Opposed say no. That passes on a vote of 6-0, council member spelman off the dais. I'll entertain a motion on item 75. Which is to approve the ordinance amending city code 14-9 relating to the display of signs, merchandise and accessories on city sidewalks. Council member morrison moves approval on all three readings. Is there a second?

[10:47:03]

>> Second.

>> Mayor leffingwell: Second by mayor pro tem cole. Discussion? All in favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. That passes on a vote of 6-0 with council member spelman off the dais. And without objection, council, we have one request for a postponement, so I'd entertain a motion to postpone item no.120 until september 25. Mayor pro tem so moves.

>> Second.

>> Mayor leffingwell: Second by council member morrison. In favor say aye.

>> Aye.

>> Mayor leffingwell: Aye. Opposed say no. Passes on a vote of 6-0, council member spelman off the dais. And we're now in recess until

-- council member tovo?

>> Tovo: May I just make a comment? I unfortunately am unable to attend tomorrow, and

-- and I just want to apologize to those of you who are able to be here tomorrow and have waited here all day to have your issues heard. I'm very supportive of items 157 and 158 and I

would ask my colleagues as I was the lead sponsor on 158, if there's a question that arises tomorrow and we are unable to resolve them with less than a full council, if you would out of courtesy postpone that item.

>> Mayor leffingwell: We could also

-- if

-- entertain a motion to postpone 157 and 158 until september 25.

>> [Inaudible]

>> tovo: Let me say I was just really speaking about

-- I wanted to let those of you here know that I'm support of of 157. I was really speaking about my item 158. I'm happy for it to go forward tomorrow if there's support and any questions that my colleague who pulled the item, council member spelman, if he has questions, which I assume he does since he pulled it from the consent agenda either of the sponsors can certainly talk about it. But if there are questions that can't be answered if you would please postpone it. Unders unders tood. Council member martinez?

[10:49:12]

>> Martinez: And I realize that a lot of speakers are here for 157 and 158, but as I mentioned earlier, there's no one signed up in opposition, so I'm prepared to make a motion and adopt both items right now. [Cheers and applause] I'll move approval of item

-- previo previo us

-- wait a minute. We have to rescind a previous action, which was to go into recess after completing those items that we just completed.

>> [Inaudible]

>> riley: Mayor, I rescind the previous action.

>> Mayor leffingwell: Council member riley moves to rescind the previous action to go into recess, and what is your

--

>> riley: So that we can take up item 157.

>> Mayor leffingwell: In order to take up item 158

--

>> and 158.

>> Mayor leffingwell: Take up item 157 and 158 tonight?

>> Riley: Yes.

>> Mayor leffingwell: I'll just say that

-- okay. Those in favor

-- is there a second to that motion?

>> Second.

>> Mayor leffingwell: Second my mayor pro tem cole. Those in favor say aye.

>> Aye.

>> Mayor leffingwell: Opposed say no. No. That passes on a vote of 5-1, with me voting no and council member spelman off the dais. [Cheers and applause]

>> tovo: Mayor, I'd like to move approval of item 158.

>> Mayor leffingwell: Well, let me go through

-- I think we have a number of speakers. So is there anyone signed up to speak on item 158 hold like to speak?

>> Go ahead.

>> Are you sure, paul? Am I sure?

[10:51:13]

>> I'm not clear on whether you want to speak or not.

>> The only addition that I would have is something that I emailed to you all earlier in the day, which is to change the language for 400% of poverty. [One moment, please, for change in captioners.]

>> Tovo: ... As high poverty.

>> Okay.

>> Tovo: Thank you. And we will get you a copy of that.

>> Cyrus reed, sierra club. I want to thank council member tovo. It is an excellent resolution and I think it will put f put us on the path of studying energy efficiency patterns and help people through cost effect so I very much support your resolution. [Applause].

>> Cole: Okay, council, we had a previous motion, I think council member tovo wants to make a motion on 158. Who seconded it?

[10:53:19]

>> Tovo: No, we have a motion on the table for 157 and it was seconded by council member

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>> Cole: [Indiscernible] [multiple voices]

>> Tovo: But we haven't voted on it. Sorry 158.

>> Cole: Motion of 158 moving approval and brought by council member tovo and seconded by morrison. Any discussion? All those in favor, say aye.? All opposed say "no"? That passes with council member spelman and mayor leffingwell off the dais. [Applause] without objection, we -- we have 157. Council member riley.

>> We already voted on 157.

>> Cole: I thought we voted on 157.

>> Tovo: No, we didn't.

>> Cole: That was 158.

>> Riley: Right. Mayor pro tem, I don't think we voted on 157 yet and my understanding is we do have a number of speakers signed up that are all in support except some are neutral

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>> I am neutral.

>> Riley: I will be open to hearing those who wish to speak if we can do that fairly quickly. Those who want to speak, I invite to come forward.

>> Cole: On 157, I see no one in the crowd has done that. Council member riley, will you entertain a motion? Paul robbins, go ahead. Go ahead.

>> Council, in 2008, I was a part of group of environmentalists that denounced a proposal to purchase energy supplied by wood burning plant in east texas. The project's proposed

-- proponents described it as cost effective to the utility. It's turned out to be anything but. This time, the time between the project, when it was announced and when the vote for the contract was approved was five weeks. It was presented to the city council as a take it or leave it now, or lose it option. With no time for analysis. And it was it was one of the most expensive source of power. I am not comfortable with this. I don't know how to say it any plainer that although I really do believe that global warming is severe, I believe it is the most pressing environmental problem that we have in the world right now. I honestly don't believe that most people in austin understand that or understand what we are doing. Consequently, all of us are limited by our experience and I think we are confined to that bubble. You are kidding yourself if you think the majority of austinites are going to understand what you are doing right now. There are going to be an awful lot of people that are going to be quite alarmed, and they are going to think that you are going to raise their electric rates excessively. Y'all do what you want. But I -- I have good reason to believe that you are not seeing the whole picture. I also am really upset about this because part of these recommendations are being based on a draft report of the generation task force, which has numerous flaws, numerous contradictions. Many of its facts and goals are undocumented in. In some ways, it is trying to legislate physics. Do what you want. I can't be a part of it. Thank you.

[10:57:48]

>> Thank you, mr. Robins. Any further comments or questions? Council member riley.

>> Riley: Mayor pro tem, I would like to invite smitty smith to come over and answer a council of questions first. First, let me thank you for your

-- for your help with the task force, the generation plannintask force and with crafting the resolution that's before us tonight. You understand the number

-- a number of concerns have been raised about the affordability of

-- of the resolution that's before us tonight and I want to invite you to speak to that

-- to those concerns briefly, and before I ask you just a couple of procedural questions.

>> Thank you. My name is tom smith, or smitty. I was on the generation plan task force and I was honored to serve as council member morrison's

-- or as council member morrison's appointee. The

-- as we looked at the future, one of the questions we were asked to look at is, what kind of generation strategy should we recommend to the city and the utility for the future, and when we looked at the future of the big risk that clearly popped out and are responsive to the resolutions that you have passed, are the question of climate change. And then the second question is water availability, and the third thing that became loud and clear to us is the question about natural gas and the availability of natural gas and the stability of the price of natural gas. And when you look at the price of natural

-- and when you look at the options, austin energy is

-- has a 200-megawatt gas plant in their generation plan and has on a number of occasions talked about building an 800-megawatt gas plant, and that was in a presentation made to you and larry mentioned a couple of different occasions he was interested in building another gas plant and solicited

-- has been looking if there was an oppourtuty by that, but the concerns that we looked at were

the price of natural gas is anything but stable. Since 1998, it has been over \$8 on a -- on 8 different occasions from those and shales are going to drop off dramatically because the shale plays are short lived and one thing that occurred to me since the generation discussion is that the carbon rules proposed by president obama asks states to increase the amount of natural gas generation from about 40% up to 70%, so the demand for natural gas is going to go up, dramatically increases the risk of natural gas price spikes. So when we looked at the costs and the data that had been provided to you and to us by austin energy, it was pretty clear that even austin energy said that the cost of a new gas plant would be about 6.6 a kilowatt hour. But solar, and the deal that you just approved is about a nickel, a little bit less than a nickel and wind was far less than that, 2, 3-cents, about two and a half to 3 and a half cents and renewables are now cheaper than any of the other resources going forward. So after we looked at the risks, we said we think that when they go to replace decker, when it's -- at the end of its life in 2016, 20-17-2018. We ought to suggest to you the option of choice would be to replace with solar. Why not wind if it's cheaper? We have a lot of wind. It's don't put too many eggs in one basket theory. But it's also assuming that solar and wind balance each other out in the generation strategies. So we have heard from austin energy that they have a lot of concerns about the costs and that this doesn't really work in the market and so we took basically the long-term forecasting system that ERCOT uses and used the data and the formula they used and ran those numbers and we discovered looking at it is that 600-megawatts versus 600-megawatts of gas, that you would save roughly 12.6 million on average over the next 20 years if you went with solar and if the price of gas goes up, as many of us fear, it might be closer to about \$32 million, and so that's the ballpark estimate we have for you. This is work a public citizen analysis do that indicate this is the cheapest way for it and that's essentially what's part of your recommendation and one of the reasons we support it. Now, there are lots of other recommendations in the gen plan task force, but the other thing that's happening is that because of the way the federal taxes -- credits or -- are -- are planning -- are expected to expire around of 2016, this is the sweet spot for purchasing large quantities of solar and it's another reason we are recommending this. This is the time to make some really good deals there. So what we are asking you to do is to pass this resolution to give austin energy the direction that's where you want to go and we are also asking you give austin energy a message that you are dead serious about climate and it's not only our responsibility do this but if utility is the place where we can make the deepest cuts in climate emissions affordably and rapidly, and so by making these decisions, you are really moving that forward. We think we can get to a zero climate emissions utility by 2030, or at least we should try hard.

[11:04:02]

[Applause] and part of

-- part of why

-- and there has been a lot of debate, and we want to underscore that debate, that we are all concerned about affordability, and so the commitment that's in your resolution and the

commitment that the task force had is the caveat in half a dozen different places that we don't want to do this if it's not affordable and everything we do has to meet the test of affordability. It is important to note that the most recent discussions with the utility about the need to increase rates sligh a lot to do with the price of natural gas. So we are looking at this and saying the cheaper way forward, the most affordable way forward we believe is solar and there are many components to the resolution, energy efficiency, storage, a number of those other things that will help ensure affordability around also bring in new technology to the table so it's our hope that you folks will pass that tonight and give clear direction to austin energy to develop those plans, to come in with the proposals, to begin to make those transitions, all with the assumption and the

-- the belief that anything you do and anything they do would have to meet an affordability test before it goes forward.

>> Riley: I appreciate your underscoring, the expected adherence to the affordability goals so we know council previously adopted affordability goals back in 2011 and the task force was mindful of the goals and fully expected we would proceed under the recommendations of a plan in accordance with those affordability goals. Is that right?

>> Exactly.

>> Riley: And that is reflected in the language of the resolution. I would

-- with that, I think that I would just

-- if there is anyone else who is particularly

-- who is anxious to speak tonight, I would encourage you to let us know. Otherwise, I think given the lateness in the hour, we will just move forward. This is a very significant resolution and the

-- the hour is late and there was a procedural hiccup tonight with

-- with the expectation that we might be going home and I think we may have lost some members of the audience and I suspect we may be hearing from some of those who

-- who wanted to speak tonight but

-- but might have gone home mistakenly but this is a plan that will be with us. We do

-- we will continue to have conversations about

-- about the

-- about the plan before us and the adherence to the affordability goals. The important thing we are doing tonight is making clear that the council's expectation about our generation future based on the months of work that have gone into the

-- the development of the resource plan, that this is not something that was taken lightly at any step. These are very serious goals, but I think the resolution before us tonight fairly reflects all of the work of the

-- of the task force in regard to the matters that rest in the resolution and I am hopeful that we will get the support of the council tonight in a briefing of those goals and that we can give clear direction to our utility that this is what the council would like to see. So with that, I would move approval of the resolution.

[11:07:30]

>> Cole: I will second that.

>> Council member martinez made the second. A motion was made by council member riley. And I will fifthly add that I appreciate the opportunity to be a cosponsor on this item and all of the work that council member riley has put into this and thank y'all for being patient with us tonight. We have a motion and a second. All those in favor, say aye. Aye. Those opposed say no. That motion passes unanimously with mayor leffingwell and council member spelman off the dais. [Applause]. (Cheering and applause).

>> Cole: So without objection, we will be recessed until tomorrow at 12:00 noon and we will take up the items in the order that they were posted. Thank you.

[11:11:58]

>> Mayor Leffingwell: Good afternoon. I'm austin mayor lee leffingwell. We're out of recess and we'll begin with the remaining items on our agenda. I just want to say that we only have access to this room until five p.m. We do have several items that are must-do, that have to do with budget and tax items, and the postings in the newspaper for these public hearings has already been made. So without objection I'd like to go directly to those two

-- those five items and conduct those public hearings. So first I will go to item 133 and this is a public hearing to receive public comment on the proposed increase to the drainage fee of the watershed protection department. I don't know if my list is current, list of speakers is current. George oswald.

>> Mayor and council, good afternoon. My name is george oswald. I want to make a few brief comments on item number 133. I request that you do not increase the drainage fee until the customer equity issues that were the subject of the recent lawsuit are corrected. I do not want to see the drainage utility revenue of approximately \$70 million a year which supports many high value, flood hazard and environmental management programs placed at higher risk by ignoring the court ruling. Additionally I'm concerned that multi-family customers continue to be charged in the manner that the courts declared invalid. I attended the trial in february and it is my opinion

-- I'm not a lawyer

-- but that the city will be wasting time and money to appeal the court ruling. That effort would be better spent in correcting the utility rate structure equity issues. The city currently has the data to do this in hand and to achieve a much higher level of customer equity. It is my opinion that this can be done in-house in six months or less that the city can dedicate four ftes with gis and data experience to that effort. Since 2005 the city has been in lawsuits on this issue. It has pass

-- it is past time to make changes to the utility customer rate structure. Thank you.

[11:14:37]

>> Mayor Leffingwell: Next speaker is william moret. Next is robbie alden. Robbie alden? Angelica noella. Kelly davis burns. Kelly davis burns. Isabel rios. Isabel rios. Edward reyes. Anna perez. Those are all the speakers I have signed up to speak in the public hearing. I'll entertain a motion to close the public hearing. Councilmember morrison so moves, mayor pro tem cole seconds. In favor say aye. Opposed say no? That passes on a vote of

-- who is missing? Five-zero with councilmember tovo and spelman off the dais. We'll go to item 134. 134 is to conduct a public hearing and receive public comment on the proposed rate fee changes for austin water and it's heard simultaneously with item 140 to conduct a public hearing and receive public comment on growth related projects within the drinking water protection zone. First speaker is bill bunch. Bill bunch. Angelica noellia. Roy whaley. Roy whaley. Mary arnold.

>> Mayor leffingwell and members of the city council, I am here to speak against raising the reclaimed water rates until there can be a more adequate review of the reclaimed water master plan and a better understanding of what is involved in in trying to expand the reclaimed water system. Right now the major customers of reclaimed water, the major users of customers happen to be several of our city golf courses. And the impact of the rate charges, the rate increases, are hitting us pretty hard. We were told at our golf advisory meeting that the golf staff have had to cut back on using the reclaimed water because they can't afford it. So I think that's not good. I'm worried about the reclaimed water master plan because it seems to me that the customers they have used to reclaim the water are mainly public entities, our parks, school grounds, the capitol, state facilities, and I'm not sure they can afford to pay the rates that the utility is planning to charge, not only this year, but in future years. I think it would be very wise to get the management resource commission involved with persons from the water and wastewater commission and to talk to some of the users and potential users about that master plan and why the utility is continuing to build these expensive reclaimed water lines to new customers which don't even exist yet or have not really been able to take advantage of the reclaimed water. And I cite the line of the university of texas as one example of where the line has been built for several years and yet the uses that were planned on the university of texas campus are not taking place to the extent that they were planned. There's only one cooling tower that they have hooked up and they're not using any of it for irrigation because of problems between the u.T. System of lines and pipes in the ground and the city and state requirements. Thank you very much.

[11:19:33]

>> Mayor Leffingwell: Thank you. Those are all the speakers that we have. I'll entertain a motion to close the public hearing on items 134 and 140. Councilmember morrison so moves. Mayor pro tem cole seconds. In favor say aye?

>> Aye.

>> Mayor Leffingwell: Opposed? Passes on a vote of five to zero with councilmember tovo and spelman off the dais. We'll go to item 135. 135 is a public hearing to receive public comment on the proposed rate and fee changes for austin resource recovery. First speaker is angelica noella. Those are all the speakers I have. I'll entertain a motion to close this public hearing. Councilmember morrison so moves. Mayor pro tem cole seconds. In favor say aye. Opposed say no. Passes on a vote of five to zero with councilmember's tovo and spelman off the dais. We'll now go to item 136. Item 136 is to conduct a public hearing and receive public comment on the city of austin 2014-15 proposed budget. Council will hear more public comment on the proposed budget on SEPTEMBER 3rd, 2014. I'll call the speakers. First speaker is paul robbins. Paul robbins. David king.

>> Thank you, mayor and mayor pro tem and councilmembers. My name is david king and I live in the zilker neighborhood. And I just want to make sure that this budget reflects the fact that we have high income and equity here in austin. The top 20% of the income earning families in austin earn 50% of the income, and the other 80% earn the other 50% of the income. Middle income families, their incomes have been stagnant or fallen, and yet at the same time we have a budget that has increases. You just passed increases on three of the services. That's going to directly affect those people, those families.

[11:22:29]

>> Mayor Leffingwell: Go ahead.

>> So I hope that you take that seriously because I don't know if you really are. Bypassing these increases after increases after increases along to these families and they're leaving the urban core, the central austin neighborhood because of high taxes because we keep raising the budget year after year after year. And then saddling them with bonds that they have to pay off. So I hope that if you won't do anything about this, maybe the next council will. First of all, we have high vacancy rates in the city of austin, higher than other peer cities. 60 million, more than \$60 million is sitting aside in salary money that's not used for positions. Those positions were there for a reason to provide services to our citizens and yet they're vacant and that money goes for other things, other special projects. So I ask you to stop that. Cut that vacancy rate in half. Save \$30 million. Cut the budget back by \$30 million. Help fund the homestead exemption. It and then I ask that you strengthen the claw back requirements in our economic development programs and all of our density programs and all of our p.U.D.'S. You give these incentives on these companies based on an investment in property, then they turn around and go to tcad and get the value of those properties reduced and we lose out on the property taxes because of that. And therefore our services like parks and libraries go underfunded. And then we have to turn them over to the parks, over to private enterprise to generate revenues. We have to stop that. En are we going to stop that? Who has the gut to stand up and say no more to that? Stop giving incentives to these companies and then letting them go on the back end and get property tax reductions. Say no to those companies. Do the right thing for taxpayers.

[11:24:37]

>> Mayor Leffingwell: Next speaker is jennifer mcphail. Could you help jennifer get situated here?

>> Good morning, afternoon. I can't remember which it is. But have a good one. And this is -- it's the trails master plan, correct, or are we talking about the budget? I'm sorry, I just came in.

>> Budget.

>> Mayor Leffingwell: Okay. Well, the highlights are we support the public works and transportation budget for sidewalks. It's a really sound plan. It's \$10.1 million and it's -- it's a huge advance forward. One big thing that kept coming up last night and is coming up in our lives is the lack of knowledge in terms of inventory of the problems that exist in the parks system as far as a.D.A. Compliance and a lack of a plan to come in to compliance with the park

system, so what we would hope that you would do as a council would be to have pard really sit down with us and come up with a plan to address all the a.D.A. Compliance violations. It's not enough just to give lip service and talk a great deal about how important a.D.A. Access is, but they have no proven plan to provide it. And we heard a lot of talk last night about festival beach and the accessibility and I'm really glad that people want to make it accessible because it has work that needs to be done, but the fact that pard doesn't know how much things are going to talk is disturbing. They've been required since 1992 to have a plan to address the violations. They've been required since 1995 to have solutions to those problems and how to fix them. They still don't. It's 22 years later and we're still talking about what they might do in the future. One thing that I want you to know and I not about it this morning is that butler trail has been a trail that has brought people together of all walks of life. Not just one neighborhood or another,. Many years ago I noticed when we were advocating at the capitol that ann richards had gone up to sparky and started talking to him about personal things. They knew each other not just from his activism, but also because they met each other on the trail. She doesn't need me to interpret for me because she understood him. They had long conversations on that trail. Sparky deserves full access to that trail. So do i. I have very dear family memories past and present of being down there at the lake and I shouldn't have to risk my safety to use that trail, but that's what I have to do. When I go down on the trail I have to take my cell phone with me in case I get stuck and have to call 911. That is a shame. It's embarrassing. That trail deserves attention just like everything else. Those parks deserve attention just like everything else. And instead of bickering about who belongs to what neighborhood and who belongs in what park, let's make all parks accessible to all people.

[11:28:07]

[Buzzer sounds] they bind each of us together as zen citizens and make it possible for us to bond.

[Buzzer sounds]

>> Mayor Leffingwell: Thank you. [Applause].

>> Mayor Leffingwell: Next speaker is aaron foster. Annie hearten. Jc dwyer. Cindy fisher. Jennifer houlihan. You have three minutes.

>> Thank you. We're the live music capitol of the world. Music generates \$1.6 billion for our economy every year and that was a number that was calculated before cota opened, that was calculated before the second weekend of acl live. That was before fan fest and the shows at the amphitheater. My name is jennifer houlihan, I'm with austin music people, wire the lobbying and music group for the music industry here in austin. We're concerned about the atx music office. They have two responsibilities, the economic development of the sector, which certainly is a factor in attracting companies like facebook, google, apple to austin because we do have a great creative scene. Their responsibility also includes being a regulatory agency, handling every 311 call that comes in from a neighbor who thinks music is too loud. Every unofficial south by southwest event that wants a permit. The budget for that office is \$47,000 a year. I'm having trouble with the scale, having been here last night and hearing people at this microphone say that two million dollars isn't very much money. I'm concerned that the austin music memorial has now been suspended until future notice because there's not enough money in the budget

to continue to offer this program. I understand that you have a very difficult job, you're dealing with a lot of competing demands, a lot of legitimate demands and from people who care a lot about our city, but I would be remiss in my duties if I didn't make an appearance today and speak on behalf of our 5,000 plus constituents who are invested in the music industry and has only \$50,000 of unmet needs and one staff person as part of their request. So as you look at your budget, as you deal with rounding errors, as you look at small amounts like \$2 million, I hope you consider \$50,000 for the atx music office and the return on investment that you are sure to see from that department. Thank you.

[11:30:56]

>> Mayor Leffingwell: Thank you. Lynettea cooper. Frank rodriguez. David witte. Is linda smith here? Linda smith? Cynthia valdez.

>> [Inaudible].

>> Mayor Leffingwell: That's why I called your name. Josephine lopez and juan [indiscernible]. So have you up to nine minutes.

>> [Inaudible - no mic].

>> Mayor Leffingwell: Go ahead. You have nine minutes and we'll sort this out before long.

>> My name is frank rodriguez

--

>> Mayor Leffingwell: Can you go to the clerk and get that straight? Councilmember martinez.

>> Martinez: Jill, I think you just clicked on the wrong button. Mr. Ramirez, you signed up donating to lynettecoop cooper.

>> Mayor Leffingwell: So jill ramirez is donating to frank. Anybody else? And what is your name?

>> [Inaudible - no mic].

>> Mayor Leffingwell: All right. So you have up to 15 minutes.

>> Thank you, mayor. Mayor and council, my name is frank rodriguez. I'm the chair of the hispanic latino quality of life advisory commission for the city of austin. We started our activity after our appointment primarily in the winter of last year and in the spring of this year. And I wanted just to give you kind of an update on our work and also give you our budget request and proposal to you. As y'all are keenly aware because you are instrumental in forming the hispanic quality of life initiative in 2008, 2010 there was an oversight team appointed and then 2013 there was an initiative report that was released. The initiative report essentially covered seven areas of interest. One was cultural arts, education, youth services, housing and community development, economic development, health and civic engagement. The process leading up to the release of the report included a multiphase process that considered demographic information, trend and data analysis and various activities related to community engagement. In 2013-14 the commission was formed. Since we've been formed we've had a series of meetings primarily focused around developing a budget request to you. The report that had been released by the taskforce included 70 recommendations for consideration and I'm going to give you a little update on those in a minute. The purpose of the oversight team was to answer two questions. That was is the quality of life experience for latinos different from other quality of life experience from the rest of austin, other demographic groups? And number two

was the city providing the resources to enhance the quality of life for latinos and hispanics? 2013 the quality of life report included 70 recommendations and initiatives. The staff went through that report and addressed

-- and identified 19 of those that were addressed for a total of \$9.9 million. 9.9 million so the city has been moving ahead in those implements and we thank you for that. There were 17 recommendations pending to be addressed, and of those a series of those were costed out at 3.5 million for this year. So we didn't

-- we didn't initiate those this year so they're slipping over to next year. And the commission itself identified 39 additional recommendations that we're bringing forward today. I mention the seven areas of focus, cultural arts, education, youth services, housing, economic development, health and civic engagement. I'll be speaking to those areas. In our process to develop the budget we use the quality of life taskforce reports, kind of a baseline report to develop additional recommendations. Some of those recommendations in that initial report were dated. They had been worked over three or four years and so we thought we needed to update those recommendations and bring forward a new series of priorities. We heard testimony, we met with stakeholder groups. A very concentrated period of time we've had eight, nine meetings, various community groups coming to us and heard public testimony. The cost that I will be talking about the budget was fairly screened by staff for cost estimates, duplication and feasibility. There are? In there that have to be looked at for additional fiscal impact that we added the last two or three weeks. One of the driving mission statements, if you will, to guide our work was the concept of parity, which is

-- I'll let you read that, but where we're coming from is that we wanted to focus on the two d's, disparity and diversity. The two d's. And this parity principle is kind of an equity statement about that. When I was recruited from the city of san antonio, I worked in the city manager's office to the city of austin to work in budget office years ago, one of the first things I worked on was around the issue of single-member districts. It was 1978. The city manager put me in a room, gave me the budget, the cip, and said you need to go through this and identify every expenditure that is benefiting the minority community. And I did that over a series of weeks. That information was used in the court case, district court, and the conclusion of that was that there was a proportional expenditure related to the population for latinos in this case was 18, 19 percent back then. Going forward in this process we think that there's a need to really drill down into the numbers and really define what quality of life means. It means a lot of things to different people. And we think that

-- later I'll talk about a couple of proposals to help with that. The one idea is that other cities have really gotten detailed into the whole issue of quality of life. Portland, seattle, others have a quality of life initiatives similar to austin's. They've dived a bit further because they've been on the ground longer with it and have research assistants to that so when you're talking about parity, you're talking about equity and you're talking about disparity and we think that's the priority going forward. So we're not just coming to you proposing projects that don't tie back to making progress with regard to equity. So our budget request is \$7.2 million. I mentioned earlier there was three and a half million, about half of that programmed for this year that was not undertaken. So that is slipping to the next year. Priorities are different, though, and I want to go through those real quickly. I won't read those because you will see those for yourself. One of the largest areas is health. And just a note about health, we have chronic care programming for

latinos. We have insurance marketplace. There's still estimated over 200,000 uninsured in this area. Half of those are latinos. This last go around with the affordable care act there was about 50,000 enrolled. But most of those 50,000 were enrolled in insurance, they shifted to obamacare. So we're asking the city to think about participating along with central health and other agencies in working on that issue. I won't get into the detail of these, but it's \$7.2 million. So some highlights real quick, I just listed some of these programs. Included in the budget request are programs to focus on history for latinos, mexican-americans, health programming I mentioned, working on homeless youth, increasing early education child care slots, emphasizing cultural competency in city government, increasing use 6:00 employment and internships, preserving affordable housing for renters. Enhancing programming at the mexican-american cultural center. Promoting sidewalks in key neighborhood areas. Creating an office of diversity, city office. And then working on youth leadership programming. I mentioned earlier the hispanic latino data resource center to appoint a city school system for a liaison for latinos, conducting the hispanic latino quality of life conference. And in the area of economic development, years ago the city had a pretty robust community-based community development program that was funded primarily through cdbg. When those monies dried up, those programs went away. Some of those agencies are very effective in having the community engage in economic development, community development. So we want the city to consider not necessarily funding a full blown community-based economic development corporation, but look at the feasibility of what that might entail. One thing is to form a minimum wage working group feasibility studies to broaden key cultural institutions. I mentioned the enrollment efforts for the city and uninsured. And health initiatives for the rundberg area. The rundberg area is being called the next east austin. Next to

-- along with the dove springs and the

-- it's got

-- it's probably got the highest enclave of latinos in the rundberg area. The cultural heritage festivals. On housing and economic development, we want to ensure that surplus properties is made available to nonprofits. You dealt with this yesterday, I think, with the tax relief through property tax exemptions. We went through this pretty carefully and one of the things -- there are two tenets that we wanted to ensure that were held that one is protect the homeowners against unaffordable property tax bills and also make sure that the local government would receive adequate revenue. So the 5,000 exemption is welcome. I think the next step is to look at circuit breaker provisions which consider income. State law may not inable that, but there's 34 states that have tax breaker programming that should be considered. One of the two big ideas, one was with the macc. Sometime back in the creation of the historic overlay for

-- that includes the macc, there's an opportunity to generate revenue for the macc to make that self sustaining and we want to look at that more. The idea being that the macc should be considered as a standalone self-sustaining entity as an enterprise fund outside of the parks department. And that needs a funding source obviously so the historic

-- councilmember martinez, what's the technical name of the historic

--

[11:43:46]

>> Martinez: Frank, it's the rainy street historic preservation district.

>> My mind went blank on that. So looking at financing mechanisms to enable the macc to broaden its support in the community, its programming. It's a-million-dollar budget. It's been stagnant for several years. So there was

-- there's a lot of detail about our idea about this, but that's kind of a thumbnail overview. And then the other thing is we have

-- when the medical school, the teaching hospital and central health care initiatives were passed in the november election 2013, that offered a lot of promise. Obviously for healthcare improvements, but also for economic development. I think the estimate was 15,000 jobs, two billion dollar economic impact. In looking at other medical schools that are open around the country, there's a concept of anchor institutions where these medical schools reach out to the community. Not only in health areas, but you look at the social determinants of health model where a lot of things affect somebody's health, we want the city to consider working with these other entities so that there's some synergy so each one is not doing their own separate community engagement, they're working together so that we look at housing, we look at other areas of interest that might benefit. Not only in the latino community, but all underserved populations. The halloween buyouts, we are supportive of the council resolution to seek funding for flood buyouts. We urge to you look at certificates of obligation as a possible funding source. And if that's not feasible, then our recommendation is to put it on the bond ballot.

We're past that point, but we urge you to fir rhett out all the fund

-- ferret out all the funding sources you is can on that. Minimum wage, we urge the creation of a taskforce to implement short and long-term pay increases for minimum workers and those who rely on tips. Just to conclude, latino hispanics are the fastest growing population in the population in the county

-- in the country and the city of austin. We want you to consider addressing these challenges, the challenges that the latino community faces. The report documented disparities in health, health care, education, economic development and other areas. So some of that research is already available to be able to work against as far as creating additional resources. And just in conclusion, closing the gaps to make stint more competitive and stronger in the future. So we urge you to consider the seven-million-dollar proposal and we look forward to working with you on that. Thank you.

[11:46:35]

>> Mayor Leffingwell: Councilmember martinez.

>> Martinez: Frank, I just had a couple of follow-ups. The last email I got from you was

-- and maybe there was another one that I missed, but the one I had was from august 19th, the recommendations. So I see that there's been an addition to the cultural arts funding request. I think it's \$250,000. Is that specific to-- is that specific to the macc request?

>> Included is \$80,000 for an outreach specialist for the macc. The macc folks came to us a couple of meetings ago and requested that that be added to the proposal. We looked at that very carefully. They provided documentation that there was a need to have outreach, community engagement to be able to promote the programming for the macc. Right now

there's very little programming put out in the community. And then the difference also is for support cultural festivals. There's a need to support smaller festivals. (Some have programming monies. A lot don't have marketing monies. Some of that is to jointly collaborate with a program and promote those festivals.

>> Martinez: Great. On the homestead exemption recommendations, certainly I do agree with you, just wanted to let you know that representative rodriguez will be filing two bills this session and I will ask my council colleagues to support and track, and try to get adopted. And that is to create a flat rate exemption as opposed to a 20% across the board exemption. So a modification to the 20% existing exemption to where municipalities could include a cap, so it would be a 20% exemption on your property, so it would be capped at a specific fee so that it specifically would benefit those who need it the most, which is our lower income resident and our community. And I just wanted to make you aware of that, that there is progress and that we'll continue to fight in that regard.

[11:48:47]

>> Thank you. That's in concert to the parameters of our policy that we were trying to promote regarding tax exemptions. So thank you, council. And particularly thank this council because you were the leadership that kick started this whole hispanic quality of life initiative and we want to thank you. And councilmember martinez, especially we want to thank you for your leadership. Thank you, mayor.

>> Mayor Leffingwell: David witte. Susana almanza. Edward reyes. Isabel rios. Anna perez. Jill ramirez I believe already donated time. Cyrus reid.

>> Thank you. Good afternoon. Cyrus reid, lone star chapter of the sierra club. I do have a handout which I'll pass out at the end. I wanted to talk about one small part of the budget, which is the energy efficiency programs within austin energy. As you all know, those are paid for with a tariff on all of our bills per kilowatt hour which we support. The current rate is about four dollars on the average bill. We have two issues. One is I have some analysis here -- analysis here that suggests that there's somewhere between three and six million dollars that has been generated from that fee that hasn't gone into the budget. So we think it's at least worth the line of questioning to see if there's some extra money that should go into the energy efficiency budget that's not there. That being said, sierra club would support a slight increase. If that money isn't there we would support a slight increase in that rate to generate about three million dollars more and we have some suggestions of where to put that money. One would be to put about a million dollars more into the low income weatherization program. That is a program that during the past year received federal funding during the stimulus. That money has gone away, but to get to the historical levels of about 3.8 million per year that we had back in 2011 it would require about a million dollars more. The other two programs we would suggest during our taskforce meetings, we had a lot of people suggest that, well, there's a program for an gnarring efficiency program for weatherization for multi-family apartments, sort of large commercial scale apartments. We don't have a program for duplexes or homes that have been divided into several units and so looking at a program to do that would be useful. The third idea would be to put some money into thermal storage, in other words building scale -- building scale storage facilities so you can use

-- just as we have chilling plants for the city, downtown chilling stations to do that at the building scale and offer some incentives, those would be for commercial entities. So I have the -- my actual write-up here that goes into the details, but essentially what we're saying is it could be that there was some overcharging in terms of the rates and there's some additional money available so it's worth a line of questioning to see if that's true and I have the evidence such as it is that would support that. But if that's not true we would support a small increase in the tariff itself of approximately 25 cents on the average bill to generate a little more money. The energy efficiency budget that's being proposed is about a 2.7 million decrease from the amount spent last year. So to get up to the level of this year you would need about a three million increase. So that's what I'm proposing. I'll give you those pieces of paper and you can look at it and we can discuss it another time.

[11:52:59]

>> Mayor Leffingwell: Pass your papers to the clerk. Aaron foster.

>> Good afternoon. I have to say I don't know how you all do it with these long sessions. But I'm really glad that you are giving us the opportunity to speak today. First I want to congratulate you. I'm here as part of tard, the travis-austin recovery group, working with those people in southeast austin that were devastated by the floods last october. I want to congratulate on getting the money yesterday from the u.S. Corps of engineers. I know that took a long time, it took a lot of teamwork. You had to work with the federal government, the corps, the city, the county, and I want to especially thank mayor leffingwell because I just found out yesterday he's actually been working on this since before he was elected to council. And it's through your persistence I think that this has come about. I want to thank you for that. I had the opportunity to working with [indiscernible] and john hersner. I think they did an excellent job. So congratulations to all of you. I commend you on the actions you've already taken. You've gotten 35.5 million in certificates of obligation to get the most at-risk people out of harm's way. That's the 25-year floodplain. And I just want to encourage you to please continue on this path. Specifically please look at a way as you discussed in your last special session on -- I believe it was friday the 14th, 15th, there's only 78 million, I know it's a lot of money, but \$78 million that we can figure out how to get the approximately \$5.5 million of debt service in this budget. We could close the chapter on this and these people will finally after several decades be out of harm's way. So I want to encourage you to do that. And thank you.

[11:55:06]

>> Mayor Leffingwell: Thank you. Annie horton.

>> My name is annie horton and I'm with onion creek program, targ and austin interfaith. I'm a member of the lutheran chump who is a member of austin interfaith and I live on dixie drive, which is in the area that was affected by the halloween floods. I'm on the targ board and the education committee helping with the long-term flood recovery. Also like erin I would like to thank you for all you have already done and especially, mayor, for being so quick to put in action the disaster proceedings and so forth. This situation is an emergency. On august 15th in your special session various options. As a solution to funding buyouts in the 100 year floodplain

of onion creek and williamson creeks in the southeast austin and travis county were discussed. Councilmember morrison suggested raising thermostats to 78 degrees for the summer. In all city buildings, schools, libraries and rec centers. We would support such changes to create the revenues to needed. Also office supplies would be another item that I know when I was working that was one of the first items I always looked at and lots of savings can be done there. And like taking all the copy machines and setting the default to double sided instead of single is a big savings as well. It is totally responsible to invest in the hundreds of families at risk in the -- who live in this area. By continuing the buyout process. A solution needs to happen in this year's budget. I'm confident that within the general fund or the investment account, which was discussed on the 15th, with your expertise you can find the right way to put this into the fiscal year 2014-15 budget before salary raises for the top 10 employees are made. Thank you very much.

[11:58:16]

[Applause].

>> Mayor Leffingwell: Thank you. That's all the speakers that we have. Council will continue to receive public comment on the proposed budget ON SEPTEMBER 3rd, 2014 At 9:30 a.M. And will vote to adopt the budget for fy 2014-15 in the annual budget meetings in the assembly room, town lake is center, 721 barton springs road, austin, texas. These meetings begin at 9:30 a.M. On monday september 8th, 2014, tuesday, september 9th, 2014 and wednesday, SEPTEMBER 10th, 2014 T So I'll entertain a motion to recess today's public comment portion of the public hearing.

>> Cole: So move.

>> Mayor Leffingwell: Mayor pro tem so moves. Councilmember spelman seconds. And all those in favor say aye. Opposed say no. That passes on a vote of five to zero with councilmember tovo and councilmember morrison off the dais. So this part of the public comment portion of the budget hearing is closed. Next we'll go to item 137:137 is to conduct the first of two public hearings to receive comments on the proposed maximum property tax rate of 48.09 cents per 100-dollar valuation for fy 2014 and 2015. The second public hearing will be held at 9:30 a.M. On SEPTEMBER 3rd, 2014 AT The say bottombly room, town lake center, austin, texas, 78701. The council will adopt the city's actual property tax rate on september 8th, 2014 at the assembly room, town lake center, 721, barton springs road, austin, texas, 78704 beginning at 9:30 a.M. The hearing may continue, if needed, through september 9th AND 10th. We have several speakers. We'll call those to the dais now. To the podium, I should say. Isabel rios. Anna perez. Anna perez. Those are all the speakers that I have signed up to speak. I'll entertain a motion to close the first public hearing on the proposed tax rate. So moved by councilmember morrison. Seconded by the mayor pro tem. In favor say aye. Opposed say no? That passes on a vote of five-zero with councilmembers martinez and tovo off the dais. So the first public hearing on the proposed tax rate is closed. Now we'll conduct a public hearing to consider an ordinance authorizing

-- excuse me. That's not the right one. This is to conduct a public hearing and receive public comment on the proposed rate fee changes for austin energy as part of the fy 2014-15 proposed budget. First speaker is david king.

[12:02:43]

>> So you know my theme is to try to do everything we can to keep the cost for our utilities and our city services as low as possible for our low and middle income families. So that's my theme here with this item is that we do all we can to keep those rate increases to a minimum. And you know, we have

-- the austin energy generates a lot of additional revenue that comes back into our city budget. And I realize that. But what I would ask us to consider is that that tells me that the rate

-- our rates are too high. If they're generating that much excess revenue that comes back, which is good, I understand that that revenue benefits other services that we have the city provides, but I think it might be better to keep the rates lower and let the citizens keep that money and decide for themselves where they want to spend that. And so I wonder why we need this rate increase. I wonder if we couldn't just not increase the rate and lower the amount of revenue that comes back to the city, but that effectively let's the citizens keep that money in their own pockets. It doesn't go to a city

-- you know, we know that government takes money in so if we give government a dollar, do we think we get a dollar back in services? You know,

-- you know the answer to that question. No. But if a citizen gets to keep that dollar in their own pocket, it's a dollar that they can then go spend and a dollar adds up here and there. It makes a difference. So I'm asking you to please look seriously at these rate increases. And if you have to increase them, then let's find a way to shield the low and middle income families who are suffering right now. It's not their fault that we have this income inequity. But you have the power, you have the responsibility and I would ask you to use that to do all you can to keep these rate increases from impacting our low and middle income families. Thank you very much.

[12:04:54]

>> Mayor Leffingwell: Lynettea cooper. Angelica noella. That's all the speakers that I have signed up. I'll entertain a motion to close the public hearing. Mayor pro tem so moves. Seconded by councilmember spelman. In favor say aye. Opposed say no. That passes on a vote of six to zero with councilmember tovo off the dais. We'll go to a couple of housekeeping items. Council, we postponed item 139 yesterday or last night, I should say, during the meeting. I would like the record to show that the correct postponement date is OCTOBER 23rd. And secondly, we also postponed items 151 through 154 to september 25th. The city manager will be out of town on that date. He has requested we take up these items on OCTOBER 2nd, THE Following week. I'll entertain a motion to reconsider and make the postponement date OCTOBER 2nd.

>> Spelman: Would that be one motion, mayor?

>> Mayor Leffingwell: One motion will do it, I believe.

>> Spelman: I'll move that.

>> Mayor Leffingwell: Suspect so moves. Councilmember martinez seconds. Those in favor say aye. Oppose said no. That passes on a vote of six to zero with councilmember tovo off the dais. So now we can go back to regular order with item 122.

>> Mayor and council, greg guernsey, planning development and review department. I have one corrective item from yesterday. I don't know if you want to consider that now. It's case one 14. In that item there was an error that was in the ordinance on part two, became two, line three, which spoke to development of the property may not exceed an average

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[12:07:03]

>> Mayor Leffingwell: I see that. I'm just kidding.

>> On an average of 6.58 dwelling units per acre. It should be 6.6111 units per acre.

>> Mayor Leffingwell: Technical correction. So I'll entertain a motion to reconsider and make that change to item 114. We can do that in one motion. Councilmember spelman so moves? Seconded by councilmember martinez? Those in favor say aye? Opposed say no. Passes six to zero with councilmember tovo off the dais.

>> Thank you very much, mayor and council. Item number 122 is case crown 2014-0047. This is for the property located at 4920 spicewood springs road. It's a zoning change to general office or go district zoning. The zoning and platting commission recommendation was to grant general office conditional overlay or go-co combining district zoning with conditions. I have two requests for postponements on this case. The applicant is here and does not wish to have it postponed, but there's a mr. Jason meeker, who I believe is in the audience, that would like to speak to a postponement. I've received also an email from karen siriwani, a nearby neighbor that would like to see this case postponed. Karen indicated that she had been here to the very end of the meeting along with several of the neighbors and they weren't able to come back today. I think I'll let mr. Meeker speak to his postponement. As I said before, the applicant is here and can also speak to their position?

>> Mayor Leffingwell: We'll let both sides speak for three minutes on the merits of the postponement, not the merits of the case. When is first? You're representing the neighborhood?

[12:09:07]

>> I'm jason meeker. I'm speaking on behalf of the great hills hoa for sections nine and 10. And also a resident of that part of town. I want to ask for a postponement. It's complicated how we've gotten to this point. In zoning and platting commission we tried to adjust this case very well when I was a commissioner on it. There was a postponement. I know in that process when I was going to be out of town I was in washington, d.C. And this case also was a little bit controversial at zoning and platting commission because there was a discussion from some residents that the language that was being presented to council was incorrect. We took the time to make sure the language was being addressed correctly and it was going to come to you in the right way. But the overarching reason for the request for the postponement is because one of our main persons who stayed here all day yesterday, karen, has worked tirelessly on this case. She's uncovered a lot of factors that

-- I think you should have a fair opportunity to consider them. I tried to look through her powerpoint presentation while I was sitting over there and see if I could speak to it and I

honestly can't. I'm not an expert on the environmental parts if you saw in the letter I sent to you. I don't want to get into the details. I have a different consideration. And Karen is the expert on that. And again, those features were not as part of the backup when it was presented to zoning and platting commission. [One moment, please, for change in captioners]

[12:13:15]

>> six votes?

>> No, just requires four on the first reading.

>> At this point, I am not supporting the variance request. So if the applicant wants to take that into consideration, he can.

>> If no motion, Mr. Gurnsey will hear the case.

>> The staff recommendation had one additional note that we wanted to point out that there's a 70-foot right-of-way should be dedicated from the center line of the Spice Springs Road. After the hearing, the transportation staff contacted the applicant and stated the applicant only required 114 feet for the segment of Spice Wood Springs Road and right of way designation is not required at this time. So I wanted to point that out to you. The property itself zone SF2 is undeveloped, to the north is MF3 and office. To the south is LO, L.L.C.O., SF3 and office. To the east SF2 undeveloped, to the west LO, L.L.C.O. and office. Located in the Bull Creek watershed. As mentioned, I guess previously, there's been a lot of negotiations and discussion about this tract. The owner has agreed to some additional zoning conditions to reduce the impervious cover from 40% to 32%, to limit the building to a 2-story office building, with one level of below-grade parking. There's a 20-foot

-- or 28-foot height limitation with a building height limit overall of 35 feet, building criteria of the land development code. They agreed to the LO. Uses but include add list of 32 additional uses that would be prohibited on the property. At this time, as I understand it, the disagreement mainly with the neighbors that are in opposition to the request surround the building size and also the front setback. The front setback minimum is typically 25 feet, the LO. Zoning would allow a 15-foot setback. At this time I'll pause and let the applicant's agent come forward and make their presentation and you can continue with the case. If you have any questions, I will be happy to answer.

[12:17:15]

>> Mayor Leffingwell: We'll hear from the applicant. Set the timer for five minutes.

>> My name is Scott Taylor, I'm representing the Haberman family (phonetic), I'm a project manager on this. He's happy we've worked with the neighbors to meet their expectations, reduced the impervious cover. We have building size to two stories, limited height to what's currently allowed in SF2, limited uses to LO. With extensive list of prohibited uses. What we can't come agreement on is the 15-foot setback we're requesting and we're requesting a building size of 18,500 versus 10,500. So the property is on Spice Wood Springs Road between Mopac and Loop 360 west of Mesa. The subject tract is 6

-- it's an SF2 tract, about 34 acres the Haberman family has owned over 40 years. When they purchased the property, there were no office buildings on Spice Wood Springs Road. So all the

office buildings have been subsequent to their purchase of the property. All they're asking for is equitable treatment to what the other adjacent property owners have been allowed to do on their property. So they've carved out

-- at the very top of this, it's a pretty steep valley that goes back toward the neighborhood.

They're asking for a t.O. Designation on 4.283 acres with a remainder area of about 20 acres.

The acreage back behind it has AN EXTENSIVE AMOUNT OF CEFs And critical environmental features, that isn't what we're talking about at this point. That will remain a single lot. So if you look at this overview, you will see that there's office buildings that are surrounding it. We were 750 feet away from the nearest residence, which is, again, all the way down in the valley and then all the way back up on a hill side. This section of spice wood springs road, back in 2001, as part of the 2025 transportation plan, was designated as a major arterial divided four-lane with the other section towards MoPac TO BE A DIVIDED ARTERIAL With six lanes. So this section has been designated, once again, when it was updated in 2006 to an urban roadway, with that section specifically noted between spice wood springs road and mesa to be an urban roadway.

Whe city of austin purchased

-- and they own all they need to expand to a 4-lane road, the city of austin conducted an appraisal and from the appraisal and the site planner they commissioned, after the condemnation, they showed a 21,000 square foot office building above parking. We use that as base template of what we should develop on top. So we had direction from the city of 21,000 above parking. Since that was designed, commercial says the building can't be on the side, it needs to be the front ajacenned to the roadway. So we designed a building with parking back behind it, met with environmental department on site because there's a ridge line they ask that we push off of that original line. After that, we moved our parking completely under the building so all the parking is pushed underneath the building. There is no outside parking. It's all down below the building. So we pushed the building as far forward as possible. With their direction, we moved it from 25 to 15 feet. Their recommendation was to go to g.O. And agree to everything else l.O. Except the front setback. So with that you will see on this, there's a circle towards the back. That's the setoff for canyon rim. We pushed the building as far forward as we can. The parking depths are as narrow as possible for the city design standards. So it's thin. Right of way pushed the building this way, cef pushed the building, so there's just a care box you can build in at that point. With that we're now at 14% gross site area. 31% net site area. Gear agreeing to 32%. Both buildings on either side are at the same net site area. And again, 77% of the site will not be touched. In the zoning and planning, one thing that it came up with was it was hard to tell when you're talking numbers what the profile looks like on a building so we produced this profile which shows the building over the parking with the 15-foot setback. For the most part, the tree line on the back by also pushing all the way forward, we're getting away from the neighbors in the back and concealing the building as much as we can without parking around it to address any site line issues of the house, they're about 750 feet back. So this gives you an overview of what the building office on top, a small section of office on the bottom to meet the commercial design standards for 40% of the office adjacent to the right of way. Thank you.

[12:22:35]

>> Mayor Leffingwell: Councilmember spelman.

>> Mr. Taylor, you said you pushed the building as close to the street as you usually can.

>> Yes, sir.

>> Spelman: The usual setback would have been 25 feet and you're asking for 15 feet. Help me understand why you had to push it back as far as possible, because of our commercial design standards or something else?

>> A couple of factors. For one, the neighbors in the back that would be looking at this ridgeline across have asked that it be pushed

-- the further back we push it, the more trees we're pulling out and the slope coming down so the more visible the back of the building is, so with their input, we wanted to push it as far away from their houses as possible. There's also a canyon rim rock that the environmental department once we met with sylvia pope out on site had said we want you as far away from that as possible so we pushed it environmentally and visually up to this. The parking depth, there's a certain criteria for parking depth, so we designed it to the minimum parking depth we can, and commercial design standards require 40% of your building adjacent to the roadway so rather than a parking garage directly adjacent to a spicewoodsprings road we put the office on the first level with the remainder up above it concealing the office.

>> The general profile of the building looked sensible, putting the thin layer up in front so you're only dealing with office in front and not parking.

>> Exactly, for aesthetics of it. Again, this was at a cost of rather than surface parking which is all around us which is the most cost effective way of doing it, we cutting it in and completely concealing the parking from everyone.

>> If we voted not to allow you a 15-foot setback, we said no to that variance, and you had to go 25 feet back from the road, what would change?

>> It just

-- we would slide it back ten feet to address the neighborhood and the environmental aspects. We'll address that through the site plan process we're working through simultaneously.

[12:24:47]

>> If you move the building in its current form back 10 feet, although our watershed protection people are concerned about the rim rock, it would not be at variance with any of our requirements?

>> No, again, it just pushes you further into a c.E.F. Setback, if that answers.

>> Spelman: Well, you're far enough away from the critical environmental features, though, that it's allowable?

>> Yes.

>> Spelman: You wouldn't need a variance from that?

>> We're in an environmental variance. 50-foot

-- can be staff approval up to 50 feet. We're about 2 feet into that. We're 48 feet off of it now so it would be 38 feet.

>> So 48 feet away from a critical environmental feature.

>> Yes. 2 feet difference between the code and the critical environment feature is something you can get an environmental variance from the administrative process and if you moved it

back 10 feet you would be 38 feet away from the critical environmental feature. It's an administrative procedure, it's not something we'll hear?

>> Yes, you will hear. This this will come back in front of you as we get through the site plan process.

>> Spelman: Gottia.

>> As opposed to having office buildings lined up where they're all 25 feet back, because the road starts to turn, you won't visually perceive one building is ten feet back from the other. I don't know how you would see it. You would have to go around the corner and try to extrapolate. In this one you will see there's a car in this diagram where actual spicewood springs road is now and the difference between the car and the building is the right of way purchased between the two lanes and the division of it so the greenspace will be greenspace until the roadway is improved.

>> That's 15 feet.

>> No the 15 feet is between the property line, the existing right of way and our building, that's the 15 feet.

[12:26:53]

>> Spelman: I see.

>> My point is the existing right of way

--

>> that's to the edge of the pavement on the building we could be building.

>> Yes.

>> I think you had a slide that showed the layout of the adjacent buildings?

>> I also have a flyover we dropped this in scale in google. Takes you into it, flies you around it. It is loaded up and I could actually fly you around the site. Site. With the magic of google.

>> Doesn't look dramatically different from the property on the north. It looks about the same as the property on the north, a little bit closer to the road than the one on the south.

>> Yes, sir, I would like to high light the fact

--

>> assuming you're north oriented.

>> Correct. And I'd like to high light the buildings

-- you have to take into effect the surface parking lots so the entire area of trees we're pull out if you look at concrete and building are actually less. The building to the south of us, that's the one that they're comparing us to. It's a 10,500. They agreed to it because that's the size building they needed. It's on a 1.9-acre site. We're on over twice the size of it and we're asking for a building not twice the size of that.

>> Thank you.

>> Yes, sir.

>> Mayor Leffingwell: Councilmember morrison.

>> I heard you say the setback is the geosetback you're looking at and you also mentioned 18,000 square feet versus 10,000 square feet. What's that comparison? What would limit you to 10,000 square feet?

>> Well, the building to the south is a one-story and it's about a 10-thousand 500, so they're

-- 10,500, so they're saying we would like you to be that size. They've got a 20,000 square foot on 1.6 acres, 20,000 on 2.2 acres, 16,000 square feet on 1.3 acres, 16,000 square feet on 1.3 acres. We're asking for 18,000 on 4.28 acres. So proportionately, when you look at -- and there's a building across the street that's on a half-acre lot and it's a 13,500 square foot building with parking underneath it on a half-acre lot, so we're asking for 18,000 on a 4-acre lot, same configuration.

[12:29:26]

>> And then another question I have is there is a building that's under construction right now on spicewood not far from this site.

>> Further east?

>> Morrison: Yes, further east. Do you have a sense for the comparison between what you're proposing and the mapping of that building?

>> That property is on about 5.1 acres.

>> Morrison: I'm really interested in its presence on the road, not so much about the size. The dimensions and the presence to the roadway. Do you know what the setback is?

>> It's a geozone. There are several geozone office buildings on the spicewood springs road and it's 15 feet.

>> So a 15' setback. About the same height as what you're proposing?

>> No, they went with the height limitation of geo which is 60 feet. I think that building is in the 55 range.

>> Morrison: You're proposing it what? 35-foot height limitation. L.O. Is 40, g.O. Is 60. We're saying 35. Our building at the front, again, if you look at the scale, 28 feet on the front, 38 feet on the back but the way the city measures it, there's an average. So our building is 34 feet when you do the average and we're going to the limit of 35 feet. So to what's already approved on sf2.

>> Morrison: You were talking with council member spelman about what if you had to push the whole building back, what about the scenario of pushing it back 10 feet and not pushing it back but just contracting the size of the building? Have you looked at that impact?

>> The width of it is the width. We can't contract it anymore. It's the minimum that you can park cars into a parking deck. The office on the front side is at the minimum to be able to get ata. Otherwise, it's

-- it's 27 feet of office. You take 10 feet, you have a 17-foot-wide office which that doesn't work.

[12:31:33]

>> Morrison: Okay.

>> It's a cross section.

>> Morrison: Thank you.

>> Mayor Leffingwell: Council member riley.

>> Riley: The members raised concern about the width of the roadway and room left for expansion of the road with the building pushed so close to the road.

>> This diagram is a good way to visualize that. The car on the far left side is the actual roadway. Then there's about 35 feet before you hit the property line of just green space, and that's the dash line. That's our property line, the vertical dash line is the property line, then that's where the 15 feet starts. So we're not up on the right of way. We're 15 feet off the right of way.

>> Riley: Have you had conversations about improvements or plans on the roadway in that airy?

>> All I know is the city has purchased all the land they need and at this point it's a budget issue that the city needs to have the will to expand that section of spicewood. There's only 3,000 feet left to expand. So we've spoken to the transportation department, they acknowledge it. It's just not on their

-- it has percolated up to something they're pushing at this point.

>> Riley: Your understanding is there would be enough room to do four lanes? It was also asked about a turn lane and bike lanes.

>> The city of Austin in '99 when they invested in the land on spicewood springs road, TxDOT DID A PLAN WITH THE Median and this building as mentioned gives them the ability to do that, already.

[12:33:34]

>> Mayor Leffingwell: Okay. No speakers signed up in favor.

>> I would like to say the haberman because of family issues could not attend and asked me to speak for them.

>> Mayor Leffingwell: After we hear from those opposed, you will have a 3-minute period for rebuttal. Debra Bailey. Debra Bailey. Russell Zeers. You want to speak?

>> (Inaudible).

>> Mayor Leffingwell: Pardon?

>> (Inaudible).

>> Mayor Leffingwell: Well, come on up. I'm going to check on your donated time here. Marvin Schrager? How much consuelo vulcany. Who did you want to donate time to you?

>> Those two people were here last night were unable to attend today.

>> Mayor Leffingwell: You have to be in the chamber to donate time so you have three minutes.

>> Bob would like to donate time.

>> Mayor Leffingwell: Bob is donating time to you so you have six minutes.

>> Thank you, sir. I will try and keep it short. I had a longer set of slides to talk to, but let me get to the key points that I would like to make sure you understand today. The first is that we believe a geozoning should never be approved. The 15-foot setback is the reason for the zoning or change or variance on this particular piece of property and it is not consistent with the community standards but has been there for a long time and all the neighbors have developed to. We have had a lot of coordination on that effort. I'm not going to specifically speak to those issues about compatibility with the neighborhood standards. One of my neighbors will speak to that in a few minutes. I'd like to turn to the traffic issues and how they impact the change.

There are two main issues I would like for you to understand. The current designation of a

major arterial urban roadway was roaded into code and specifically called out from lamesa to the 360 portion of spicewood springs road. Spicewood springs road is not a major arterial urban roadway. In fact, at this very spot, it is the narrowest road of the entire neighborhood. It is a two-lane, posted 30-mile in each direction road and really can't handle the traffic that it already has and, therefore, I would highly recommend that, before we move forward, we take a very close look at what we're going to do with that property. I have talked to many of the planning review people, I've talked to the traffic engineer of this area. They have no plans in the five year or the ten year plan. We are basically making a change here that will impact us for the next ten or 15 years at a minimum, and it is a major change to the standards of this neighborhood, and we already have a lot of issues there. And most importantly, I would like to point out that it is also the primary access for the emergency services that access the 360 intersection at the bottom of that hill. It is a very serious concern. I'll talk more to the details of that in a moment if I get the time. The second issue that I would like to point out

-- so that argues that we really shouldn't even be building in the area at all until we've addressed this traffic problem, and we have not yet factored in the major additional traffic that will be coming from the new building that we are just talking about, the adr, austin board of realtors building that's just up the block a little bit. The second part of the traffic issue that I would like to address has to do with the engineering design of the roadway. The takings that were done in 97 in order to address having a right of way in the area were necessary and do provide probably a necessary set of roadway with rights that allow for building a roadway. There is no engineering design available to us at this time. Wherever those are the traffic engineer does not have them. I spoke to her about it. She said there is no engineering design for this road. There are major design issues with this section of road, really major ones. One of them that I would like to point out is that there are a number of old growth trees that are in the right of way. The ones directly in front of this property can be mitigated for, but I'm more concerned about an engineering design that would allow for us to not destroy the character of the neighborhood by bulldozing all of the others that have not needed to be mitigated for up to this date. There are also other engineering issues having to do with that roadway, and in particular the hill that is beyond it, and I suggest that we really ought to make sure that we have a well-engineered roadway there before we put a 15-foot setback that limits future development options of the roadway. Finally, the overall arching problem here is that there is no neighborhood plan for the development of this area. Imagine austin has no neighborhood involvement, has not developed any neighborhood concept for what will happen in this region. Therefore, we are depending upon code and a specific very oddly pulled out piece of spicewood springs road in code to designate it as a major urban roadway and then we're using that as a justification for a geo 15-foot set back. But there's no concept, no neighborhood involvement and no planning to support that and no engineering to support the roadway design. So what we're basically doing is the applicant is asking you for what is reasonable under the rules that exist which sets a standard for what will happen in the future for the entire neighborhood. And the rest of the neighbor is incompatible with this particular design. Those are my major points. I could go into more detail on each and I will a little bit. I would like to thank each of you for your service. I would also like to thank all of the planners and all of your staff that met with us over the last three weeks. I would also like to thank the developer for agreeing to the three-week delay so that my particular homeowners' association, spicewood homeowners, could join into

this discussion. So I would like to turn to the current state of spicewood springs road.

[12:40:56]

[Beeper]

>> there you go. I knew I would run out of time so I wanted to do it in the right order. Thank you.

>> Mayor Leffingwell: Next we

>> Cole: Next we have joyce bets. Joyce, are you here? Three minutes.

>> Thank you.

>> Good afternoon, and thank you for hearing us out. I'm president of the northwest austin civic association which we call naca

--

[beeper]

>> three seconds!

>> We'll start you over, joyce. Give us a second. Are you ready? Go.

>> I'm joyce president of naca, northwest often civic association. We have boundaries of spicewoodsprings road as our northern edge. We have the western edge as 360, THE EASTERN MoPac AND SOUTHERN Edge 2222. So this property is adjacent to our neighborhood association, so not directly inside. The board unanimously voted to support the board of loco for the overlook limiting the height to 28 1/2 feet at grade level at spicewood springs rod a density of 10,500, net side impervious overand net uses showing 22,000 trips per day as we have been hearing a very narrow road. Thus we are in agreement with the position of the neighbors who filed a valid petition. We looked at what's appropriate for the property, is this a single-family area or something else? There are offices on both sides of the site, offices across the street, so putting homes in the midst of this doesn't seem practical. So the current sf zoning really doesn't work. But office space would work if it was at the height and scale of other properties along this road. However, what was originally proposed by the developer is too intense and we voted to support the position of the adjacent property owners. We also voted to send representative to the environmental board meeting and to zap to ensure that every possible step is taken to guarantee the environmental features are protected during the development of the site and we strongly hope nothing will ever be built in the 20 acres behind the site which mr. Taylor showed you. It's a beautiful area, it's also a wildfire risk to us, so there are lots of reasons for us to take good care of that property. Our residents really treasure this hilly, green area and they want to retain the environmental quality and the quality of life for the residents. Sentiment is pretty strong, and we've had some comments come to us with respect to this case that I would like to read to you. One person says, "i strongly urge you to object to the rezoning of the property at 4920 spicewoodsprings road from sf2 to g.O. This intensive zoning is not appropriate for environmentally sensitive land also confirmed endangered species habitat and has features such as rim rock and live springs. Another fab says, I travel spicewood springs between 360 and mesa frequently. It is often snarled by cars making left turns. Please don't allow personal service businesses that generate a lot of traffic into the proposed building. I think it is time to widen spicewoodsprings into two lanes each direction with a central turning lane. Thank you for your consideration.

[12:44:50]

>> Thank you, joyce. Next, bob oto.

>> I donated time.

>> Cole: Dennis watts. And dennis, you have donated time from manuel ramirez. Manuel, are you here? Okay. Mary watts?

>> I'm here.

>> Cole: No. Cal reeve. You will have up to 9 minutes.

>> Okay. Thank you very much. It's quite an opportunity to be here. I've met with mr. Spelman, some of our group has met with all of you, I think, over time. You each have a handout that I've prepared that's going to be on the slide show here. So let me get started. I live currently

-- I'm an h.O.A. President of spicewood green. We are s.F.2 homeowners, almost catty-cornered across from the place. Nobody knows we live there because we're behind a fence. Anyway, here's a picture of the spicewood zoning. I would like to point out that the

-- this particular area, in a building standpoint, is an inverse triangle compared to the building which is across the street. This is just a copy of our petition for your edification and the conditional overlay. The builder has agreed to our restrictions on the overlay, subsequently to our petition. Just to give you an idea what the buildings look like, all of them have a 25-foot setback. Every one of them that surround this building. It's done to preserve the trees and appearance and be less imposing on the neighborhood. This is a petition signee directly across the street. This is another gentleman that the developer mentioned that has a very large building on small acreage. He's also a valid petition signee. You can barely see his place, it is set back quite well. This is a building that is just due south that's on about 1.9 acres. He's got about 13,000 square feet, I think, actual rentable spaces 12,750. And no underground parking, all out on the street. And this is not on the street, it's quite a ways back from the road, his building is 25-foot back from the right of way. Here's the building across. I was actually involved as h.O.A. President in 1999 when we were able to work with the developer here and we told him we wanted an office building that looked like a house. As you can see, it pretty much does. He has underground parking behind him. He's pretty upset about anybody asking for closer building than the 25-foot that his building occupies. He's a signee. This is the rear of his building. You can see the underground parking and he is the signee. Here is a group, ameripri eds e and other owners just to the south of the building I just showed you, and he is the signee. These are all business people. A couple are developers. They understand what's going on, but they just don't want the neighborhood to change. Here's our group of houses. Eight homeowners. We were all signees. Unfortunately, we found out we were, I think, 201 feet away or something, so we initiated the petition, but the other people that were within the 200 club went ahead and signed on. Okay. As you know

-- I'm not going to review this too long as to how it's currently zoned. You know the result of the initial zap and overlay. And, of course, the developer reviewed what he has proposed. And here are some of the zoning history. It's I.O. All around this place. There's no g.O. Except for what everybody's upset about in the neighborhood and that's the board of realtors building. I took my eye off the ball. I wasn't the president then, but I think there are a lot of upset people with the size of this building. I know there are, in the area. It's kind of a glairing experience to

-- a glaring experience to drive by. Basically, the way it's developed, it will create 363 vehicle trips per day, and it's been reviewed how many trips occur

-- where we live, I don't know if you have been there, but it's interesting in that it's on a ridge, and spicewood springs is a boulevard till it gets to me sarks then becomes a four-lane highway for a short time, and then we're on a farm-to-market road with the same amount of traffic into that part of the city. The road design is two lanes wide and there's no plans to widen, as mentioned, and there's right of way for four lanes. To give you a picture, this is across from my house looking d at the property on the right. This is the typical traffic pattern. I have often have to turn right to go left because it's so packed and rush hour is almost impossible. This is looking up the hill coming off 360, and this is kind of middle of the day, and you can see how much traffic this is on that. The property in question is just over the crest of that hill on the left. So as you come over the hill, you may find yourself stuck in a line of turn lanes. Environmental issues are huge. He has agreed to a 32% impervious cover. You have the bull creek watershed and drinking supply. This is part of a tract that's about 24 acres. The bottom half, the 20 acres is probably undeveloped, but we can't access it and it's got so many rules and regulations, you would spend millions of dollars developing it. Here's a list of environmental variances requested. Here's the facts. We have been told by the developer that this is such a good deal because it only represents 20.48% of the site compared to

-- I mean 9.87% of the site compared to 28% next door, and that would be true if it weren't for the fact that the buildable portion of that tract is probably about 1.9 acres. So we've got three buildings in a row with essentially 1.9 acres of building. One is ten, the other about 13 but nobody is 18.5 on that. In order to get the 18.5 in there, you have to move it to the front. He can't get the variances on the back. Especially in every square inch building of what's buildable, that's what's being asked, and there is no effort on his part to compromise, and we've tried. And the 15-year-old plan that he cited in '99 for condemnation right of way, it doesn't equate to entitlements today. There's no correlation with that. I'm sorry he only got \$90,000 for it or whatever but it doesn't correlate. And he states that he made every effort to coordinate this with the property owners. None of us heard from him at all till we got a letter in the mail, and he hasn't

-- we have not been involved in the development of this at all. The only thing we've received from him is a compromise on the usages and the percent impervious cover and that was just given. I wasn't a compromise. So, anyway, it seems that under the I.O. Zoning, 25-foot back, if he can't squeeze in an 18.5 building, he has apparently an owner for this or someone who wants to buy it and is demanding an 18.5 building, we view it as his problem. We want the building to look around the surrounding area, we want it to be reasonable, we want it to benefit the environment and we're willing to compromise. We are not demanding an sf ruling or refusal to change it. We're asking him to be reasonable and work with the neighbors.

[12:54:32]

[Beeper]

>> that's it. Anybody got any questions?

[Applause]

>> thank you. Good morning, council and mayor. It's good to see you this morning. I'm going to

take you for a speed walk. I hope you have your walking shoes on. It's going to go pretty fast. Here we go. As I say, this is a speed walk, so let's go. You've seen some of these pictures before. This is walking down spicewood springs road, the offices that are there, the trees that are there, the setback that is there of 25 feet. The trees are pretty prominent here. Again, the tramex travel building is three stories because they went before council and said we, back then, had approved three stories and we had not. Before we knew it, we had a three-story building. All the buildings on this road are two-story. Even behind some of the offices, you will find picnic areas for employees. Again, the trees are most prominent. If you would read this with me, there are a lot of commonality in these pictures, something provided by nature, something that gives back. Something we excuse to make stand out. Something that those of us that planned this neighborhood years ago thought to be of the utmost importance. This is stillhouse. You notice they use pavers to reduce impervious cover. More office buildings. Multiple office buildings. Neely's canyon. Looking at trees, setback. Probably the oldest building on the street, animal hospital. There are single-family residents there. More offices. Again heading towards loop 360 at this point. Again, offices, condos. This is the eight single family homes you've heard about. It's an incredible environment. It's quiet and so secluded you can't even see the homes through these trees. So I ask you a question, do you know what it is? They provide shade and a buffer. We should not take them for granted. They are trees. Can you see the office building here? Not very much because the trees protect them. This is an office building that would be next door across the street, a tower, and this is directly across the street. Again, the building is lost in nature. Nature. West of the overlook, another building. All these buildings have street parking. This is the west side. This is the east side. This is the rim rock that is on this site. If you can look and see the writing in 1983 the yeft austin civic association expected spicewood springs road to be completed and attached to loop 360. This is from peter marsh. He just retired from the city. The significant issue with the expansion of spicewood springs road down to loop 360 is it takes a 25-foot cut into the hill side. This is from don nilen with TxDOT. It also requires retaining walls, water lines to be moved, at&t phone lines to be moved and right of ways that may not have been purchased. So what makes spicewood springs what it is today? A lot of hard work and planning. Northwest hills has everything you could imagine wanting because people planned it that way, people like me did the work years ago. This is responsible building. The trees become the look, back when austin cared about the environment and what made austin austin. Trees buffer the building and the road. Every building on spicewood springs road has a 25-foot setback except the oust board of realtors building. We are asking you to maintain a 25-foot setback as you saw during the walk. The trees are more prevalent than the buildings. Underground parking is what is stated on the austin board of realtor plans. Does this look like underground parking to you? This is the view from the street. The arrow point out to the street level of that office building. Where did we go wrong? There's over 114,000 square feet in this building. This is the same developer, just in case you don't know that. The land was clear cut in violation. This is the view from the building next door. This is from behind. This building is huge. These are the parking garages. In my up, the word "underground" needs a new legal description in the city of austin. The developer started counting the stories of office buildings that he presented to the city and residents at the first office floor, not at ground level. How many variances did that building take? It took six. And this is one of them, setback of 150 feet to the rim rock, applicant proposes to reduce it to 50 feet. What it's code is, the width of

the buffer is 150 feet from the edge is a critical environmental feature. This building is built five feet from rim rock. The function of the rim rock has been ignored. The commission on environmental quality report states that the controls properly installed and maintained inappropriate for steep slopes on down gradient site of the north side of the site where storm water discharge runs off

-- and you can keep reading. Basically, the protection there to protect the rim rock is not working. The austin board of realtor building is 77 feet 3 inches tall, over 11,000 square feet. The overlook parking garage is larger than any building on spicewood springs road, 18,000 square feet. This is what we were sold on for the austin board of realtor building, it is a side view. These are the springs below these tracks. It's now called song bird springs. It's directly below. This is the creek below. Bull creek has never gotten its deserved respect. The overlook is in the bull creek watershed but also the edwards auk fer recharge zone and the golden cheeeked has been at a time. This the bull creek park in the '50s. This is lonnie anderson standing where he used to dive in this creek where he was a kid. This is barton springs road in THE '50s, BULL CREEK IN THE '50s. Parton springs pool today, bull creek park today. It's not recognizable. The pool wall that was a temporary fix was destroyed by the halloween floods. This is rim rock on the overlook site. On display at the barton springs pool museum, it explains the importance of rim rock. This is what hurts our watersheds, development on rim rock. Scott taylor says his retention pond is better than nature. Nothing is better than nature. Habitat has been removed, already. The homeowners association put together master plans. In the master plan it talks about not exceeding 30 feet in height. It also talks about the 25-foot buffer. There is no buffer on this building. This building, which is the austin board of realtor belongs on loop 360, it is not the highest and best use of the land, and that's the code of ethics that the often board of realtor has in writing. The proposed spicewood springs overlook shows on this map from the civic association master plan that it was to be reserved as conservatory and drainage easement. It's currently zones residence b should be definitely be developed at very low density if at all. It is my contention that the owners of this property have known the issues of this tract for many years. The applicant scott taylor stated there are more g.O. Tracks than sf2 tracks on spicewood springs road. Not according to the maps. The zoning changes on this street have been done by the same owner of this tract. And here's a picture.

[13:04:16]

[Beeper]

>> thank you for your time and consideration.

>> Thank you.

[Applause] jack holcombe (phonetic). Jason meeker.

>> Mr. Mayor, council pro tem, members. I have more sympathy and empathy for you than ever as I was a zoning and planning commissioner. I'm partly responsible for the building being constructed on spicewood springs and it's the one vote I regret the most as a commissioner because I felt like I was mitt mist led and part of the reason why I'm here and have been involved in this case since it first came up and called many of these people and let them know about the development when I was coming before zoning and planning is because I didn't want to be fooled again but I as saw since I'm a resident and I go ton spicewood springs all the time,

there was one fundamental question about the proposal that doesn't fit and that's why I'm here as the president of my h.O.A. In grey hills. I think this was a simple case. I was in washington d.C. This summer and they have a public transportation system that works well with and I think one of the reasons it does is because a long time ago their roads and a lot of their avenues were widened significantly and kept that way. When we were watching the parade on independence avenue on fourth of july, a huge road, lot of the roads are just gigantic. On spicewood springs, there's just a special consideration that needs to be made because it's the way the road changes on spicewood springs. The applicant says he wants equitable treatment and I'm asking for the same. We've heard about the 25-foot setbacks that all the buildings have. They're there for a reason. The orientation of the road is important. When you're on 360 heading to the east, you go up a big hill. There's three lanes. Two lanes going up the hill, one lane going down. The two lanes going up merge into one and, so, it's a two-lane road right in front of where this building would be built. The two lanes continue and then they go into four lanes before they get to messa. FROM MESA TO MoPac, IT'S FOUR And sometimes six lanes. So right here in this little spot, it's a complete bottleneck, and the road that we saw earlier when the applicant was making his representation should be noted and how out of date it is. We've seen the phenomenal growth the road is going through and the reason my hoa asked me to come out is because to have the traffic going down and up the hill in our neighborhood. The building was a huge mistake and opened a pandora's block because there are 13sf tracks on the road, it shouldn't be leaning fully to a business development, but if it does go that way it should be compatible with what's around and the setbacks of 25 feet should be maintained because if we ever want any multimodal transportation, not just an expansion of the road but an expansion of our options, we need to have that space that we can never get back if there's a building in the way of the road. You know, if we want to add more bike lanes that are much safer because the runs there now are very dangerous, if we want more room for cars, what if we want another lane for the metro buss? We've had to sacrifice lanes downtown to give it to the buses. I ask your consideration to give equitable treatment to the plan, please vote no and deny the zoning.

[13:07:56]

>> Roy waily.

>> Howdy, y'all. I'm roy waily, the conservation chair for the austin regional group and the sierra club, and I don't have anything to add to what these great speakers have told you today, except for one thing

-- the austin sierra club opposes the zoning change, and we hope that you will deny it today. Thank you very much.

[Applause]

>> Mayor Leffingwell: All right, that's all the speakers. The applicant has 3 minutes for rebuttal time.

>> (Inaudible).

>> Mayor Leffingwell: Well, let me see. What is your name?

>> (Inaudible).

>> Mayor Leffingwell: Jack, I called your name and got no response. Come on up and speak. I

called your name right before Jason Meeker.

>> Oh, I'm sorry. I did not hear you. My name is Jack Holeford. I'm the general partner of Spicewood Canyon Partnership which is the owner of the building across the street -- or catty-cornered across the street from the subject property. We have a building there that was built in 1985, and we actually set back nearly 75 feet from the widened right of way for Spicewood Springs with one driveway. We support the petition for I.O. With the conditional overlay for this use of the property, but we do think that 25-foot minimum front building setback is required. That's our position, and we would like to see that instead of the approval of the G.O. With the 15-foot setback. Thank you.

>> Thank you.

>> Mayor Leffingwell: Applicants, three minutes now.

[13:10:05]

>> So I would like to highlight again what we've agreed to and I think everybody is agreeing to I.O. So I think we're at I.O., and not only are we agreeing to I.O. But we're agreeing to a list of restrictions beyond what is dictated by I.O.

[Changing captioner] these houses, again I want

-- the still house are directly adjacent to them. Still house has 20,800 on 1.6 acres, 27,000 on 2.2 acres, 16,800 on 1.3, 16,800 on 1.3. That's directly adjacent to their property. Directly adjacent to that is a 13,500-foot building on a half acre. Directly to the west of us is a 13,500 square foot building with a surface parking lot. There is nothing out of scale with this building. It all to me appears in proportion to what is around us. We have listened to it, we have dropped this down. Again, the Haverman's have a City of Austin appraisal that showed 21,000 square feet. Working with staff we've now worked it down to 18,500. Started with 24,000, it's been reduced 25% down to 18.5. We absolutely have listened, have reduced the scope of this, have tried to adjust everything that we felt to answer all of these concerns. And the Haverman asks for your consideration for a 18,000-foot setback.

[13:12:55]

>> Mayor Leffingwell: Is that the only point of disagreement, is it fair to say that's the only one, 15-foot setback. 15 versus 25. We're 10 feet apart. On building size, 10,500 versus 18. Otherwise we're in agreement.

>> Mayor Leffingwell: One more question. You said you weren't taking any trees off the front side.

>> There's no heritage trees in our site plan.

>> Mayor Leffingwell: Heritage trees. Anything over 8 inches?

>> Yes, sir, but that picture that she had shown actually is pretty telling because it shows that it's clusters rather than big ones. So you rate those is you combine them and it creates a caliper inch. Obviously we have to replace every tree that we take out.

>> Mayor Leffingwell: Okay. Thank you. Councilmember Spelman.

>> Spelman: Mr. Taylor, I've been looking over the zoning change review sheet and you were talking about the kinds of

-- you haven't talked about the kind of tenants you might have in this building. If you were asked to restrict your tenants to nonmedical uses, could you do that?

>> We have agreed to restrict to it the 5,000 square feet and less. What we're envisioning is professional office. That's all the interest has been is administrative and professional office. Will we exclude

-- if we could

-- we would be willing to exclude that if there's concessions on the front setback and building size, we would be willing to concede that.

>> Spelman: Do you

-- you do have a current restriction of 5,000 of your 18,500 feet for medical office.

>> Yes, sir.

>> Spelman: The other 13,000 could be any other kind of professional office.

>> Yes, sir. And realize the building is also constricted just by parking ratio. It's not parked for a medical office building so at certain point city code will restrict how much medical can go in there and we won't get over 5,000 square feet. There's not enough parking spaces to park that much medical.

[13:15:06]

>> Spelman: How many? 68 parking spaces. [Inaudible]

>> Spelman: If there is anybody in watershed protection or elsewhere in city staff who could talk about the importance of rick rock and the likelihood of granting a variance deal further on this map east. I believe in reality north, towards the rim rock.

>> Andy, managing engineer in land use and planning development review. The applicant has filed a site development application with our department and identified some variances, one of them being the rim rock and other [inaudible]. At this point we've not fully evaluated them and we do anticipate that he will need to take the application to environmental board and they have not provided

-- excuse me

-- the full information to evaluate the findings of fact. And so mr. Wozniak is not in a position to give you whether you supports those. It's in evaluation at this point is the answer.

>> Spelman: What are the usual standards as the setback from the rim rock edge?

>> Typically those are, I believe, 150 feet but they can be administratively reduced to 50.

>> Spelman: Did I understand correctly mr. Taylor said this building is proposed to back up within 48 feet?

>> I believe that's what he said and that would require an environmental board hearing.

>> Spelman: Briefly if you could explain why such a large set back from rim rock.

>> I don't know if I could give you a qualified answer. I would leave that to mr. Wozniak or sylvia pope. It's just the setback from it.

[13:17:11]

>> Spelman: Do you in your

-- to your knowledge, have we ever granted a building, a variance that would allow them less

than 50 feet away from the rim rock?

>> Yes, sir, I believe we have. The applicant, usually it's a mitigation, they will come up with a -- they just can't do anything else and they can meet the findings of fact established in the criteria we will support that I believe in some cases.

>> Spelman: What kind of mitigation are we talking about?

>> Typically it's water diversion or disturbance. It's a negotiated on some level if they just determine they cannot meet it or if they can meet the findings of fact. Usually it's quite difficult to do.

>> Spelman: Thank you, sir.

>> Mayor Leffingwell: Just to be technical about it, the environmental board does not grant variances. That variance, they would recommend a variance or not recommend to it the zoning and platting commission would make that decision.

>> Yes, sir. My apologies. You are absolutely correct.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you, mayor. I have a question for the applicant. The main differences are the setback from 15 to 25 and then a pretty significant one and that is a limitation on the -- on the size of the building from 18,000 down to 10-5.

>> Yes.

>> Morrison: So if you were granted the zoning according to the petition, do you think there's anything that you would be able to build? Would that be workable? Would that still be a project you would go for?

>> At this current state what we've looked at, it's not financially feasible at all.

>> Morrison: Okay.

>> May I speak to the environmental aspect just very quickly of what sylvia pope

--

>> Morrison: Eel leave I'll leave that to my colleague.

>> Spelman: You can speak briefly.

[13:19:13]

>> What I would like to show is this is the final piece of land on the north side that's not been developed. Spicewood springs road does not have culverts on either side to the water runs to adjacent properties. This property when you look at the contour lines is the flow of where the spicewood springs plant ants have been going across. When we designed this we moved our water quality fund to the far side of the property. The property concern is point discharge of your storm water quality causing downstream erosion because it's just rock. You are putting water over rock. So they are concerned it's going to erode down the hillside. Can canyon rim rock, they don't

-- we're discharging it on the hillside spreading it away from that and we're not impacting any of the

-- the other 20 acres down in the valley, 80 feet down is where there's wetlands and that has nothing to do with up land of our property and this is not affecting any of that.

>> Spelman: Sounds like you are going to have to do fairly substantial regrading though.

>> Yes, we are also as far as our environmental mitigation, we're doing biofiltration on the front

side to capture spicewood springs road runoff, filter it and discharge it which is not required. That's part of our environmental enhancement. I believe we may do biofiltration in our filtration pond itself. So those are the

-- the biofiltration is going to take pollutants off spicewood springs road, filter them before they go down the hillside. The creek is about a quarter mile from the hillside after you go down.

>> Spelman: Thank you, sir.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I'm not ready to make a motion, but I am ready to share my thoughts with folks and I'm not sure what needs to happen from then. I feel like the 18,000 square feet and 10-foot setback is trying to put too much building on to this very delicate lot and actually I'm up in that area because I take tap dance classes up and am familiar with the road and

[13:21:37]

[inaudible] and spicewood has been developed in a very low scale but very effective way. And I think that needs to continue. I can't support the zoning case. Of course, I'd be happy to consider the parameters that the valid petition offered, but since that is not feasible really for development, I don't think I can support it because I'm concerned that if we did put that zoning on it, then it would just be a struggle and a tug-of-war with variances and trying to push something that is feasible into that zoning category. So for that reason I'm not going to be able to support the zoning or the zoning that's suggested in the valid petition.

>> Mayor Leffingwell: Any other comments or motion? Councilmember morrison.

-- Councilmember spelman.

>> Spelman: It appears to me the site is considerably shallower than sites further east on spicewood springs, which is one of the reasons is applicant is asking for 15-foot setback is the distance between the right-of-way and the rim rock evenly is smaller than it is further east. It seems to me, however, that if we have established tornadoes of 25-foot setback

-- standards of 25-foot setback, we ought to adhere to it in this case as well. I am not concerned as perhaps the neighborhood is very concerned about the height, I'm less concerned about the height, less concerned about the total square foot inch of the building and our making sure there are environmental restrictions adhered to, although there may be opportunities for mitigation I'm not aware of. That could be something we could take up in second or third reading. So I would

-- mayor, I'm not certain I have the proper form and look to legal staff to be sure I have the proper form, but I would move approval of this case on first reading with the exception of the variance from setback. I think they need a 25-foot setback. Other than that, however, I think what the applicant is asking for is at least something we could continue to talk about going forward.

[13:24:02]

>> Mayor Leffingwell: Okay, motion by councilmember spelman to approve but with a 25-foot setback which is already actually

--

>> Spelman: No variance on the setback.

>> Mayor Leffingwell: Yeah. Is there a second? I'll second. Further discussion? This is first reading only and the public hearing is left open.

>> Spelman: Absolutely.

>> Morrison: Mayor, I would like to ask the applicant a question, if you don't mind, and you are welcome not to answer it if you don't like, but so basically it's the same question I asked before except what about the feasibility of a project with a 25-foot setback but still having the 18,000 square foot allowance?

>> Again, it forces us to push back into the critical environmental features and it just becomes environmental board discussion at that point. Is it more important to be off set from the cef or off set from the road. Again, I think if you look at this portion of the road, there are not buildings lined up at 15 or 25 feet.

>> Morrison: No, I understand that point. I was just wondering given those constraints you are saying it would be feasible.

>> I would like to highlight that then further tears trees down towards the neighborhood.

>> Morrison: But it's not there you would get those environmental variances.

>> The neighborhood is asking us to go this way and you are asking us to go this way.

>> Morrison: Right. Thank you.

>> Mayor Leffingwell: Any other discussion? Those in favor of the motion say aye.

>> Aye.

>> Mayor Leffingwell: Opposed say no.

>> No.

>> Mayor Leffingwell: That fails on a vote of 2-4 with councilmember riley and martinez, morrison and mayor pro tem cole voting no. [Applause] so jerry, are you doing the south austin plan next? All right. These are

-- 129 and 130 and 131 and 132; is that correct?

[13:26:33]

>> Yes, mayor and council, greg guernsey, I want to bring to your attention, I do have some postponement requests on this as well. Granted the late hour of last night there were folks that were able to attend yesterday but were unable to attend today. And so there was an email that I was made aware of that went to all of your offices signed

-- or at least that were noted by one, two, three, four, five, six, seven, eight, nine, ten I guess different people representing portions of several of these neighborhood associations. I'm not sure if they are actual presidents or not. They were asking for postponement. There's also a lady that was in the audience that is here today and was also here last night asking for postponement.

>> Mayor Leffingwell: Is this the first postponement request on this?

>> Well, we had this come up before and I think we actually delayed action to go back and talk to the neighbors again. So this might be I think the first time since we've come back from talking

--

>> Mayor Leffingwell: But this is the first time for a neighborhood request. It seems like a

simple question. Councilmember martinez. .

>> Mayor, the answer is yes.

>> Mayor Leffingwell: It is the first. Councilmember martinez.

>> Martinez: In light of that and more importantly even if it wasn't the first time, I think because it encompasses such a large area of south austin and affects so many people, I didn't think it would be appropriate to take it up this afternoon when most folks couldn't return. Today. At least as many as were here last time. I certainly am prepared to move forward and have this discussion. We've met with many stakeholders, but I believe that many of those stakeholders who were here yesterday evening are simply not able to be here today and think it would be inappropriate to have this conversation without them here. Or at least without the opportunity for all of them to be here.

[13:28:51]

>> Just so you know, council, there are members of the neighborhood organizations, associations that are also here today that would like this to go forward and speak, just so you know there are people on both sides.

>> Mayor Leffingwell: What we can do, we can hear from each side, we can have a discussion of postponement, three minutes from each side and see if there's a will to postpone it or go ahead and hear it. So is there a representative from the side requesting the postponement? That would like to speak for three minutes? This is on the merits of the postponement.

>> Wayne shiply, southern oaks and we're asking for a postponement due to the fact that many of our primary speakers can't be here today. They spent the entire day here yesterday, can't get off from work again. One of our primary speakers was to address the important issue of affordability. He's done all the research, he's a college professor, he's in class today, he can't be here. So this is our first request. We would ask that you would grant that and give us time to be able to effectively get our people together again. Thank you.

>> Mayor Leffingwell: Thank you. Anybody want to speak in opposition? Okay. Go ahead.

>> Sorry. This is to speak against the postponement.

>> Mayor Leffingwell: Yes.

>> I want to suggest a compromise here which is that you hear those of us who are here now and keep the public hearing open for next time. And the reason I want to suggest that is because I don't know that there's any way

-- david foster, southwood neighborhood. I don't know there's any way we can guarantee we won't have happen at the next council meeting exactly what happened last night. You will get a crowded agenda, it will drag on, people will leave and so forth. I know there's no perfect process either way, but I think that we can have our cake and eat it if you let those of us here today speak, hold the public hearing open and let those who weren't able to speak have the opportunity next time.

[13:31:00]

>> Mayor Leffingwell: So we could go ahead and hear the case and hold the public hearing open and I would request those that speak today not speak in the subsequent, honor system, in a

public hearing.

>> Thank you.

>> Mayor Leffingwell: It's still up to council to decide if they want to postpone or not. Is there a motion to postpone?

>> [Inaudible]

>> Mayor Leffingwell: No, ma'am. We took one from each side. Councilmember morrison.

>> Morrison: I guess since these folks have taken off time again, I'd be happy to hear them and postpone with no action.

>> Mayor Leffingwell: We'll hear the case and you can decide not to take any action after we do that.

>> Morrison: Okay.

>> Mayor Leffingwell: All right. So we're going to

-- there are people signed up on four items. I'm going to combine it so you'll be speaking on all four items. We can do that, right?

>> Yes, mayor, would you like the staff presentation to lead in so can give it context?

>> Mayor Leffingwell: I guess if we're in any way contemplating any action, we would want to hear from you of course.

>> This time I'm going to turn it over to

--

>> Mayor Leffingwell: That he means we don't have to hear from you next time, right?

>> That's entirely up to you, mayor. I would turn this over to my lead planner francis riley and he will make the presentation to you today.

>> Mayor Leffingwell: Okay.

>> Good afternoon, council. It's my pleasure to be here. My name is francis riley. I'm the planner on this project and planning development review department. I'll try to make this pretty short. This is what I'll be covering today, sort of the bigger picture here and then providing an overview of the plan and tools for implementation, including I think what a lot of people here are concerned about and options. So austin faces some big issues that I think we talk about through imagine austin. We certainly talk about it a lot in neighborhood planning. Lack of viable transportation options. Our household affordability is dwindling as demand outstrips supply. Prices are rising, incomes are not. We talk quite a bit about the opportunities for neighborhood businesses through this planning process, I think that's something in imagine austin pretty strongly as well as the theme of austin is changing and how do we deal with that change. This isn't a new thing. Some of this change is for the better. Some of it may be less good. So really, how do we manage that change. We have about 110 people move here on average per day. So imagine austin talks about how we deal with that through this neighborhood plan. We've really tried to get into the details of how that works for this neighborhood. How do we maintain the parts of the neighborhood, the character that people really enjoy. As well as improve the things that people have said that they would like to see b in their neighborhood, whether that's improved transportation options, additional housing types, new development, businesses within walking distance of people's homes. Gathering places. I want to take you through how this relates to imagine austin. Imagine austin provides that 30,000-foot vision for how austin should grow, change or stay the same over the next 30 years. The great concept map here shows that in the context of the entire city. And then down here in

south austin it tells us a few things about what

-- what the citywide vision for how this neighborhood looks is. So the activity center, we have several corridors, but it really doesn't get into those in between spaces and what this looks like on the ground for the neighborhood. So that's one of the things this neighborhood plan has really done is filled in the details in this plan. Through this process we've addressed the building blocks within imagine austin. And I'm going to take you through the sections of the plan. Here in a few minutes. This has been over a year-long process to create this neighborhood vision. We've had really great participation throughout. A lot of very passionate, committed people throughout this process. We've done five big design workshops, held six big conversations about different building blocks in imagine austin. We've done four major print and online surveys as well as a host of other things to collect feedback, input, ideas that have all gone into this plan that really creates a community vision. We've also worked

-- reached out to community partners, provided very regular email updates. I think I may be approaching spamming some people in the neighborhood. I hope not. We've met with neighborhood associations, collaborated with gava 78745 as well as aia. All of this has I think very importantly gotten people talking about this plan. And about the future of their neighborhood. I want to take you very briefly through an overview of the plan vision and goals. It's the neighborhood's vision for the future is to create a complete community. Very much in alignment with imagine austin's goals. That is mobile and interconnected, compact, accessible and affordable, natural and sustainable, healthy, safe, creative and engaged. These elements of the vision correspond to the different chapters in the plan. The goal of mobile and interconnected is to really encourage walking, bicycling and through education. The first goal is maintain that neighborhood character in the parts of the neighborhood that people said are really important to them. And I'm going to show this on the map in a little bit here. Part of this was also to really create walkable, people friendly destinations. Make the neighborhood easier to get around and whether you are walking, biking or taking transit. The second part of this is really focused on affordability. And it's to encourage a diverse intergenerational family friendly community. Maintaining household affordability in the ways a neighborhood plan can. This is clearly a much larger issue that can be addressed through just the neighborhood plan, but we include strategies in this plan to get household affordability. Within natural and sustainable, it's really focused on improving access and amenities within existing parks. Building on the neighborhood's green infrastructure. You have williamson creek going through here, some tributaries, as well as our environmental features in the area. And then really promoting environmentally sustainable practices. There's some really good examples of things that are ongoing in this neighborhood already related to particularly cunningham elementary school. Crockett high school is doing stuff. There's a lot of activity within some of the neighborhood associations and this as well so we're really trying to bolster those efforts. The last chapter of the plan is healthy, safe, creative and engaged. And these strategies work to increase the overall health within the area. Really address safety and upkeep within the neighborhood. And then there was a lot of interest in creative projects and collaborating with community partners. I think this was a real strength in the planning process was a lot of these other organizations came to the table and had this conversation with the community. Some of the ways we are able to implement the land use and affordability goals in the plan are through a character district. This is sort of a flum 2.0, future land use map. And I'll go through this in a bit more detail in a

minute here. This plan also provides guidance to other departments for how they spend their money and direct their resources. As well as addressing zoning. So this plan really provides a community vision for how any future zoning should be applied to the neighborhood. We did not do base rezoning as part of this. But instead focused on creating

-- capturing the community's vision for what they would like to see and how that might be applied through the code next process as well. The one aspect of zoning we did cover were the infill options. This is certainly the most controversial. We have worked with the community over the past several months primarily on this one issue to really try to reach a compromise, and I think the staff recommendation I'll present here in a minute really captures that. The character districts are organized in a spectrum from the residential core through the neighborhood transition, neighborhood node and mixed use activity hub. These are really about creating a sense of place. They organize from lower intensity with fewer activities in the residential core to those more regional serving areas in the mixed use activity hub. All of these districts are envisioned to include different types of housing appropriate to the intensity of the district. And all of them are really about creating more walkable places. This is very much in alignment with imagine austin. It

-- the plan addresses neighborhood character and directs growth and change to the areas where the community said that it was appropriate. The plan also gets at providing additional housing options that can help people continue living in their neighborhoods. These are great neighborhoods where people live. And so really the conversation is about what are the small changes that we can make that can make it easier for you to stay in your neighborhood. While maintaining that character of your neighborhood. It's really about directing change to activity centers anchor doors. This is very much in alignment with the growth concept map and imagine austin. As you can see on this slide, the corridors in imagine austin and the centers in imagine austin are really refined on our character district map. This character district map has been revised and edited by participants in this planning process. So I think what we're showing you today is really captures what people felt was appropriate and where they felt growth should be directed and where changes should occur as well as the majority of the map in the lighter yellow on screen, the residential core where people said, you know, these areas are by and large really great as is and we only want to see pretty minor changes. The plan also provides a variety of housing options that can meet the financial and lifestyle needs of a diverse population. It encourages that housing in all of the districts from secondary apartments or garage apartments being appropriate in the residential core to smaller housing types or missing middle housing types in the neighborhood transition and neighborhood node district to more mixed use type housing in those activity hubs at those larger intersections and busier parts of the neighborhood. The residential core here is the majority of the neighborhoodment it's where most people live. They are mostly one and two-story single-family homes. Some duplexes. As I said before, these areas aren't really envisioned to change all that much. Maybe some additional housing options, but really it's how can we make these a little bit better, but they are already really great places. So the plan really is a vision to maintain these areas. The neighborhood transition shown here as the orange districts, these are along typically busier roadways. Still envisioned to be primarily residential, but more duplexes, four-plexes, smaller apartment building, maybe smaller offices or neighborhood-serving businesses. This map really reflects

-- in most of these areas, that's what's on the ground today. And how can

-- how can this plan create a vision that makes these places better in the future. The neighborhood node character district, shown in purple here, is very similar to the neighborhood transition, although the balance of residential to commercial is sort of their way, more neighborhood serving businesses, still some multi-family or higher density single-family. It's also a place where people said they thought it was

-- these were locations where they would like to see gathering places. Whether it's something like strange grow on manchaca road that's already there. Very cool local coffee shop where people hang out. Or, you know, what are the opportunities in other parts of the neighborhood for similar-type things. Stepping up to the mixed use activity hubs anchor doors, these are the parts of the neighborhood that are typically located at larger intersections. Today they are characterized by sort of big box stores or strip-type uses. Typically very large parking lots. And these are probably of all the districts the place where most change is appropriate. As well as the biggest opportunities. These were envisioned as places that could incorporate mixed use. That would be neighborhood serving as well as realistically serving a larger region as well. They are an opportunity to add the types of businesses that people said they would like to see in their neighborhood. There are two other character districts included in this plan that don't really fit within those four main ones. The activity center, which was identified on the growth concept map in imagine austin overlaps

-- it's within a couple planning areas. A big chunk of it is in the northwestern part of this planning area. And so this plan really just refines the boundaries of that

-- that district as well as adding neighborhood specifics goals and a vision for that area. There's also the area around st. David's hospital. Also just south of ben white on the eastern part of the neighborhood. And this is really a special

-- does not fit with the other character districts. It's a much higher concentration of medical offices as well as auxiliary hospital uses. So that was separated out as a different district. It's also pretty well bounded by the existing railroad tracks and one of the railroad spurs. We also included and had two big design

-- to produce illustrative visions for a civic center located at stassney and manchaca with crockett high school, acc, south austin, the manchaca branch public library, garrison park is right there. It's a big district park. As well as some smaller businesses and a larger shopping center. And so working at this workshop with architects, with representatives from those different best and institutions, creating a illustrative vision that provides an additional layer for specificity for how the neighborhood would like to see this area change over time. Similarly there is a workshop for the area along ben white on the frontage road. About between pack saddle pass and bannister road there. Currently a lot of big box type uses and really the conversation here was how can we make this area relate better to the neighborhood that abuts it. So again working with volunteer architects, we had a big workshop to really create an illustrative vision for how this area could change over time. The last part of my presentation addresses the special use infill options and these have been revised pretty significantly from our initial recommendations based on conversations we've had with many groups within the neighborhood. We've held additional meetings, met with neighborhood associations. Then to planning commission and the neighborhood plan subcommittee a few times to work out a lot of this. So I feel very strongly about the recommendations that we bring to you today. So I'm going

to go through these one by one, show you where they would apply and that will conclude my presentation. Small lot amnesty. Our recommendation is adopt in south manchaca as well as all of garrison park. There are only a handful of parcels in south manchaca where this applies. There's slightly more in garrison park, but still relatively low numbers. The secondary apartment option, the recommendation would be to adopt in the south manchaca planning area as well as the eastern part of garrison park. This

- we would create a subdistrict east of the union pacific railroad tracks in garrison park. And that's really to respond to concerns in the western part over that infill option and the desire in the eastern part of that garrison park for that option. So we feel this recommendation reflects this community's desires there. Right now, if your zoning is sf-3 and your lot size is greater than 7,000 square feet, the green on this map, you could already do a secondary apartment by right. So it's the yellow sf-2 and the orange sf-3 that's between 5,750 square feet and 7,000 square feet that are affected. So a lot of this area it's already allowed. If you currently have sf-2 or sf-3 but it's smaller, right now you are just limited to the single-family detached home with the option unked get an 800 square foot maximum secondary apartment.

[13:54:20]

- You could get. The next option, cottage lots. Our recommendation is to adopt it only in the eastern part of garrison park and it would be limited again to the neighborhood transition character district. So on this map those are the orange areas outlined with the purple line. So it's
- it's relatively limited area where these could apply. With the current zoning. The urban home option is very similar, although for this option the south manchaca planning area also asked for inclusion of this option, again within the neighborhood transition subdistricts. Shown on this map. If your current zoning is sf-3 and you have a lot size over 7,000 square feet, you could already do something like a duplex, a secondary apartment. So with this option you could do single-family detached. I think there's been a bit of confusion about this allowing mixed use or apartments and does not
- it's solely limited to smaller lots, but still single-family detached homes. Our final infill option is the corner store option. This option is now only be recommended along the eastern side of south manchaca
- or along manchaca road and the south manchaca planning district. On this map the dark purple parcels are where this could apply. Applying a 600-foot buffer between these parcels, you can see you can get about two corner stores, max. This really responds to concerns about commercial encroachment within the neighborhood and I think our recommendation reflects
- reflects well the desires of that neighborhood as well. This character district map really as I said before is about maintaining the neighborhood character and directing growth to areas of change. I think through this process we've heard a lot of concerns about changes, and a neighborhood plan can't stop change, but it can help manage it. So with that I conclude my presentation and I'd be happy to answer any questions you have. Thank you.

[13:57:14]

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thanks.

>> Mayor Leffingwell: Could I ask the clerk if you could combine the sign-up list for those four items, 129, 30 and 31.

>> You can use 129, I've moved everybody over that wasn't signed up for 129.

>> Mayor Leffingwell: Thank you. Go ahead.

>> Morrison: Thank you, mr. Riley. Nice job and I know you've put a lot of work into this and there's been a lot of great conversation. I have a couple of questions. One, I wanted to point out something that's unusual, something is different here than in other neighborhood plans and that is the infill options, we're used to seeing them as I understand it just at the subdistrict level. But in this plan we're actually limiting infill options not only to a subdistrict but also within that subdistrict to a certain neighborhood character zone?

>> Yes.

>> Morrison: Is that the right word, character zone?

>> Character district. Same thing.

>> Morrison: Right. Okay. Good. You've also limited it, like the corner stores just by road. So we've sort of taken even more of a razor to it to do it.

>> Yes.

>> Morrison: Finally. So one of the things I'm concerned about is I notice that in one of the maps, the one on page 109, looking at the flood plain, we have lots of homes in the 25 and 100-year flood plain. Was there any discussion about actually thinking carefully about what infill options might be being applied to actually homes in the flood plain already?

>> Yes, we did have that conversation and we had watershed protection at that meeting as well. And at the level of doing zoning for an in fill option, we decided that could move forward but that they would have to

-- you know, when they would go in for permits, that would be reviewed.

[13:59:31]

>> Morrison: Okay. I guess one thing we might talk about is could we put a limit on the infill options that say this applies to

-- in this area, in this character zone except for those in the 25 and 100-year floodplains?

>> Okay.

>> Morrison: Sounds like there wouldn't be any legal bar with that because I am concerned about that. And then, let's see, one other

-- there are concerns that are mentioned in the staff report that there is a storm drain study that needs to be done and updated and flood plain study. So I just want to highlight that because there are concerns about infill options allowing for overdoing it with our

-- overstressing our infrastructure. So I did want to mention that. And then one other thing, I didn't see anywhere necessarily where we're identifying whether any of this area is in the recharge zone. Is this in the recharge zone?

>> Part of it is, yes. And we

-- we

-- at

-- it was either our first or second meeting, we did have a map of that and talked about that. I know there is maybe interest in including that in the plan itself.

>> Morrison: So would that be possible?

>> Yes.

>> Morrison: Okay. So that would be terrific. And then last question, do you

-- are you familiar with the current ordinance draft that's in progress to clarify some language about small lot amnesty?

>> I am, yes.

>> Morrison: And what's the time lean of that, do you know?

>> I believe it's late september or october.

>> Morrison: Okay. So it should be coming to us about that time. All right. And oops, sorry, one more question. Deed restrictions. I know that you all collected some deed restrictions and worked on ensuring that the infill options that you were recommending would not conflict with the deed restrictions. Is that correct?

[14:01:43]

>> Yes, that is. We

-- we did at the neighborhood plan subcommittee, that was one of the conditions of moving the plan forward to default planning commission. I was drawing a blank on the date of that meeting earlier today. I think it was early to mid june. And off the top of my head I can't remember the deadline that planning commission imposed on collecting those. It was I think a few weeks. And we received a majority of those deed restrictions within that time period and revised our recommendations accordingly.

>> Morrison: So I know at least one came in after the deadline, whenever the deadline is, and presuming when this comes back later if you could take a look at any that come in after the deadline because that

-- for myself, that would be important. I don't want to put people in a position where we're giving entitlements that violate their private deed restrictions so that would be helpful information to me. Thank you.

>> Mayor Leffingwell: Let's go to our speakers. The

-- first those in favor. David foster.

>> Thank you, mayor, councilmembers, staff. My name is david foster and I'm speaking as a 21-year resident of the south wood neighborhood and president of the neighborhood association. I'm here to speak in favor of the plan as a whole, item 129, and I'm not going to spend a lot of time talking about this. I think there's little to no opposition in the planning area as a whole to that part of the plan. It's the biggest single part of the plan, it's the cake. I think the infill is the icing. What I would rather do is just focus on the infill options. And I do support the staff recommendations for infill options. I just want to stress that the current recommendations are the result of a series of compromises. The infill options we were looking at last january have been scaled back significantly so they are removed from all of the planning area west of manchaca and south of stassney. They've also been removed from the area west of the union pacific tracks. We're only looking at two parts of the planning area. One is the south manchaca area which is where I live and they are only looking at granny flats, small lot amnesty on four

lots and urban homes. In the transition zones. And then the other area where you have the infill is east of the tracks, south of stassney. Most of the opposition that you are hearing to this plan is really coming from people who don't live in either one of those areas where infill is contemplated. And I think you need to pay attention to that. I looked at the email that requested a postponement today and everybody who signed that email indicated where they are from and there was only one person from the south manchaca area. On the other hand, we have three people that I know of at least here who live west of manchaca who are in favor of the infill options because they know it's a compromise. We respect their desire to remove infill from their neighborhood and these three folks respect our desire to have infill in our neighborhood. So I think this is a reasonable compromise. I'm happy to discuss individual infill options, for instance, corner stores, we're only looking at two now maximum, so it doesn't move us very far ahead. If we get those two, it doesn't set us back very far if we remove them. If it brings comfort to council to rehoof the corner store option, I'm ask with that. I'm also willing to talk about scaling back some of the

- at least in the south manchaca area portions that are slate for urban homes. For example, the piece on manchaca
- I'm sorry, on stassney north of stassney in the manchaca area, those homes are only five years old. I think it's unlikely any time soon that we would see homes replaced with urban homes so we don't lose much in we take that out. I'm willing to consider removing the option from radham because we have duplexes there. That part of the neighborhood is very dense.

[14:06:18]

[Buzzer sounding] and relatively affordable. I think you could remove those options

- rather, if there are urban homes

- please leave secondary units in.

>> Mayor Leffingwell: Thank you. Wanda mills. Jim me mills here?

>> He is not.

>> So you have three minutes.

>> So good afternoon, wanda mills and my husband jail who could not come

- husband jim who is very much against the postponement. We're the co-presidents south cherry creek neighborhood. I'm came to make two points and I'm going to add a third. You are going to hear a the look of positive comments and I'm going to say amen to all of those though I'm not going to tell you that. I just want to thank the staff, especially francis because he worked the neighborhood over a year and a half to bring this plan to you. And near the end of the process things got contentious but the staff persevered and very polite and patient even to some who met the ranting stage. When I thought I was going to be on agenda well after midnight, I was going to tell you when we started this process I hadn't realized it would result in a sleepover with council in 2014 and now we're considering another session. Oh, my goodness. There's been so much staff, council and citizen time expended already, we need to move this plan forward. The second point I want to say is that our association, ACTIVE SINCE LATE 1907s, The thousand households for the most part with just a few people and here again they could not be back here today, but they have said we understand the general good of this and so we are definitely in support. We've seen a lot of change in our neighborhood. I've lived there since

1976 and people have sent me emails saying they love living there and we plan to hang around and see what the future holds. And the infill proposals are such a tiny little part of this proposal, this big, we are spending an inordinate amount of time on something that is really not going to impact. One of the ladies where in an email to our whole neighborhood association, it's not about you, it's about the future. Get over it and let's move forward. So let's -- so I'm going to say amen. The third point I want to add quickly is that I already know if you are setting the date for september 25th I cannot be back here on that date and neither can my husband. So I'm going to say that we're going to miss some of you in january. And using some of the words I heard yesterday, which were unique and iconic, I want to say that that's the way we feel about all of you. As change comes about, because change does happen and we want to wish you good luck in all of your future endeavors and because it's in your d.N.A. To be out there and working for the good of all the citizens, I know I'm going to meet you out in the neighborhood.

[14:09:48]

[Buzzer sounding] thanks for your service and let's move south austin forward.

>> Mayor Leffingwell: Thank you, ma'am. [One moment, please, for change in captioners]

>> I'm

-- I have to

-- I've lived in my house for 44 years on richmond avenue right in the center of this whole thing, and I only heard about it a month ago. And I'm pretty active. I was on the staff at s.O.S. I've done a lot. And that I never heard about this until somebody said, you know, they're going to build corner stores wherever they want and we have nothing to say about it. And this zoning overlay, from what I understand if you overlay this on us, we have no say so afterwards other than hiring a lawyer. This is not a rich neighborhood. This is poor people and medium low income. I'm a retired city of austin employee. I don't make much. I can promise you. But I don't understand how I never heard a word about this when I've lived in the very same house for 44 years. I grew up in tarrytown before it was tarrytown and I saw it get destroyed. My mother's house where she still lives, it's a little house with big McMansions all around her because nobody paid attention. Well, I wasn't let to know to pay attention to this, what was going on here. I worked with jackie goodman and she taught me a lot about zoning, but one of the things is that this cannot be a document that locks us in. We have to have a way to get out because we cannot hire lawyers. We don't have the money for that. And when was my deed allowed to come in? I never heard a word about sending in a deed saying don't mess with my house. My house is 1300 square feet. It's been 1300 square feet all the time I've been there. I made do. I guess that's a small house, but that's what our neighborhood is. I don't have a neighbor one that has gone to one of these

-- all these two years of meetings? I don't have one neighbor. And the man across the street was the man that first

-- was the first house in that neighborhood, built in 53, same year I was. So

-- and my house was built the same year I was. So I'm proud of it and I'm proud of my neighborhood. And I don't know what

--

[14:14:03]

[buzzer sounds] you call it characteristics and all that. When does iconic become historic?

>> Mayor Leffingwell: Thank you, amy. It sounds like you're against it, but you're signed up for, just so you will know.

>> No, I'm against it.

>> Mayor Leffingwell: You signed up for. We figured it out.

>> Thank you very much, mayor.

>> Marcia ratrovsky. And how about connie lane, is she here? You can have up to six minutes.

>> Thank you. Good afternoon, council and mayor leffingwell. My name is marcia ratrovsky. I am speaking on items 129, 30, 31 and 32 in general. I'm a resident and secretary of the southern oaks neighborhood association which we call sona located in the south austin combined neighborhood plan designated westgate area, which is in the northwest section. On behalf of our first of all I'd like to express appreciation of the work that city staff, especially frances and the planning commission put into the development of this plan and to their accommodation of divergent opinions within it to reflect the neighborhood concerns with regards to infill in particular. We don't have very much trouble with anything but some of the infill. But I'm also speaking in favor of that plan with the inclusion of the planning committee staff recommendations. And the staff recommendations as they apply to infill. These were stated

-- this opinion of our association was stated in a letter from our co-chair dated AUGUST 11th, 2014 AND Sent to this council on behalf of sona. It is the official position of our organization. I'm specifically referring, of course, to removing the infill options from our westgate area. And we supported the recommendations. In the city planning commission document of july 22nd and contained in a draft special use infill option and design tool recommendations for the area dated july ninth. And in a memorandum to the mayor and city council from frances riley dated august 7th. We also would like to add briefly that we support the plan with staff recommendations as it applies to the other three areas of this plan area as well. We're not stating any opinions other than support for the staff positions. I have specific reasons, six in number, to back up my proposal that you accept all of these infill suggestions. One is that increased water usage

-- I think that the probability of the following happening, if all of the infill is used, would increase the people and therefore increase water usage in an area that is already under stage two water restrictions, which is not a good idea. There could be increased impervious ground cover within or close to the edward's aquifer and which could cause flooding in our area, some sections of which are subjected to the threat of floods. It could cause deterioration of our neighborhood characters, primarily a residential neighborhood t could caused increased parking issues in an already very compact area when it comes to streets, and we have no sidewalks, so everybody walks and plays on the street. It could caused increased motorized traffic causing potential harm and take danger to pedestrians and it could cause increased crime due to increased density which has been newman in innumerable studies over the past many decades that when you increase density in a neighborhood you increase the potential for crime. And for these reasons I strongly request that the city council listen to the staff

recommendations as they apply to infill and please adopt them with your adoption of the plan, which we do support. Thank you.

[14:18:18]

>> Mayor Leffingwell: Thank you. Donna cunningham.

>> Hi, my name is donna cunningham. I live in the cherry creek village subdivision and am a member of cherry creek southwest neighborhood neighborhood association, garrison park planning area between westgate and manchaca. I'm here to ask that you approve the comprehensive plan as was originally presented to us. I really think the plan is great. I got started later in the planning process when my husband and I went to the open house at cunningham elementary to learn more and then vote for what we desired within the plan. I like most everything in the plan. I didn't know everything so I went to the website and started reading until I had a good grasp of the plan. Then suddenly there was an opposition group posting and sending out fliers with misleading information causing comprehension throughout the planning area. Example, some believes that homes next to them would be ripped out and big multi-family units will be built next door in the middle of a neighborhood. Also, they would come in and level the methodist church and put low income slum housing, also cunningham elementary would be in danger of the same. This caused a lot of bad feeling towards the plan. So I had started posting information on a neighborhood email and next door with links to the workshops and the draft plan so people could see for themselves and make up their own minds, as well as walking and talking to my neighbors. This was appreciated by many. Later the opposition came in and started up with saying no to all the plan as a whole and they don't want any of the plan in any of the planning areas either. They have some very valid reasons like infrastructure being put into place before any construction, repair of the williamson creek flooding issues, keeping the character of the neighborhoods, traffic abatements, preserving green space. All good and valid requests, but not good enough to just abandon a plan. We fight to make sure these things are addressed together. Then I decided to organize a meeting. The attendance was very good with neighbors that were in support of the plan and some that wanted to learn more. Frances riley and george zapalac were there to speak and answer questions and there were many. And at the end they were all essentially in agreement that not having a plan in place was not the way to go. Some of the people that attended -- oh. Some of the people that attended my meeting have not -- may have not contacted you yet.

[14:21:30]

[Buzzer sounds] thank you.

>> Mayor Leffingwell: Thank you. Tony slagle. How about lizeth gonzalez. So you have to up to six minutes.

>> Good afternoon. First of all, I'm tony slagle, I live in the westgate area of the plan. I'd like to thank all of you for hearing our testimony today. This is my second day off work to be here, so I really appreciate you taking the time today to hear it. I would like to just clarify one thing. It's been brought up initially, but I think it's worth clarifying again that the only official

-- I'm in the southern oaks neighborhood association. The only official correspondence you've gotten from us on the plan is a letter in favor of the plan. Those individuals who signed the letter to postpone it, while members of the association, aren't representative of it in any official capacity. I just wanted to clarify that. I think it's worth noting that I was originally against this plan based on the way the infill options were proposed area wide. I thought that that was a real issue. For various reasons, and opposed it. I didn't think the planning process was very good. I think staff would probably agree with that initially that it wasn't, but as such they've worked very hard. I think it's worth mentioning and noting again how hard they worked to-- hard they worked to go around to the neighborhood and talk to us about what we actually wanted in terms of the infill and what we didn't. And I think the revised draft before you really, really does represent that and is the main reason I've changed my tune in terms of support because I think that it truly is a good compromise. I realize I'm not the only individual in the neighborhood, so while I don't want the infills in my portion of it and they've been removed, I feel a little hypocritical telling those individuals who have gone before or talked to staff who do want it to tell them they can't have them. But I would like to finally say that regardless of what you do about the infill options, please adopt the plan. It's been mentioned in many meetings that we've begun to about the development on south lamar. We may not know what would have happened there if a plan had been in place, but we do know what happened without a plan because they don't have one. And I think there's a lot in here that would help in terms of shaping development. I know for a fact that the city in terms of funding improvements looks at whether or not a plan is in place. I know they look at that in terms of rezoning issues. Once again, regardless of what happens with the infills, please, please adopt the plan. Thank you.

[14:24:13]

>> Mayor Leffingwell: Thank you. Navod Taylor.

>> Hello. I'm a resident of the south manchaca planning area and I've been secretary of the southwood neighborhood association within that area for past two years and I've been involved in that process over the last 20 months so I'm glad to be here now finally. To not duplicate much of what's been said I would like to add that as far as the infill secondary apartments are not uncommon in the south manchaca planning area. We had a lot of that already. And I believe they're entirely appropriate to the pattern building that we have. Our neighborhood has in fact lost density since the 2000 census and that data is in the tail end of this current planning documents. So this is a very, very modest proposal to add density back into our neighborhood through those small housing units that are compatible with the crack and scale of the neighborhood and you all know that neighborhood

-- imagine Austin and the neighborhood housing and community development has called for increasing housing options of all types in all areas of our planning areas. I would also like to say that one thing I do appreciate that this plan does as far as new developments within our planning area regardless of whether infill passes or not is the design tools that are currently proposed. The parking placement, impervious cover, limitations, garage placement and a front porch placement I believe has helped preserve the existing character of our neighborhood by requiring new development to follow the patterns of development and housing currently in our neighborhood. So I would ask you also to please pass this plan with the current staff

recommendations. Thank you. Okay. That was missy bledsoe? All right, missy bledsoe. Not here? Phyllis owens?

[14:26:32]

>> Good afternoon, I'm glad to be here. I was one of them here last night until sent away. So it's nice that we were able to continue on. I'm joe owens, filly joan owens officially and I'm southwood neighborhood and I've been an officer for the last five or six years, president for the last two. The process I got involved in and was excited about being involved in because I saw what happened on lamar and I went no, at least I've got to have a word in there about what I would like to see happen. So I participated in all the meetings except one and I think I was out of town for that one meeting. Things were really going fine until the rezoning letter went out. And that's when the whole neighborhood was once again told about the planning process and it was sort of difficult. As far as so many people not knowing about it, southwood is a voluntary organization. Wire not an hoa. We get no money. We get maybe \$10 volunteer fees if they want to pay it, which not that many people do. But anyway, we were putting multiple postings on our yahoo site throughout the year we would post, but we would only really have about 3 punish people signed up and there's like 2,000 rooftops, but we have no control over that. We tried. And the impact magazine posted numerous times things about our south austin combined neighborhood plan. I think that a lot of people were not conscious of this process until which time they got their rezoning letter. But I want to go on record saying that I'm in favor of the plan. I'm also in favor of the infill options, as they've been modified, because a lot of work has gone into them. Could live with no infill as long as we get the plan. I really think it's a good plan. And hope it's in there because it is a big -- a big compromise that went on. I will say too I think some of that's happening is we're seeing a demographic shift, small, in the area, and we're getting younger families in and I'm seeing more people and I think that may be where some of this is coming up and the people that have been there forever say no, don't change and then you've got new people that are seeing other things going on and they say I like that and I like that. It a compromise and that's what we're here about and that's what democracy is about is hearing the sides and making decisions. I really appreciate it and I thank you for your time.

[14:29:24]

>> Mayor Leffingwell: Thank you. Henrietta cameron mann. Henrietta? You're here.

>> I'm, I'm henrietta cameron mann. Everybody screws up my name.

>> Mayor Leffingwell: I got it right finally.

>> That's how it goes. I'm a native texan and I've been a homeowner in the eastern part of the garrison park neighborhood for almost 30 years. And like a lot of people in austin I came here to go to u.T. And fell in love with our sleepy college town and you could park downtown for free and the traffic wasn't that big a deal, but those days are long gone and they ain't coming back. So 18 is a big city and our planning area is considered to be close in and so our plan should reflect that, and it has a lot of really creative ideas on redeveloping some of the commercial areas when it's the time to do that. And it also decreases dependence on cars and preserves the

greenery that we really love about our neighborhood. So I support the plan with the staff's recommendations on the infill options. I think it's a good compromise between those of us who are in favor of the original plan and those who gave feedback much later in the process. As you know the biggest point of contention has been about density and infill options, but people are moving to austin and driving up our property values, increasing the pressure for density, and this is happening plan or no plan. So it's better to have a plan. The developers are going to push the envelope. If we have a plan we could say, you know, don't put that development here. Put it there. We have a plan, we've thought it all out. And some people are in favor of waiting until code next to be implement understand a couple of years or for a new city council to come in to vote on the plan. I would say don't listen to them. We've been working on the plan for a year and a half and many residents, a lot of city staff time. So as a taxpayer I would consider to be a major waste to just throw the plan away. So please adopt the plan. I can kind of compromise on the corner stores, but it's very important to adopt it. And I'm especially in favor of the options that are in

-- that city staff are recommending for the east garrison park

-- part of the planning area. So I thank you all for providing a forum for us to voice our opinions on the plan. Thanks. If if

[14:32:40]

>> Mayor Leffingwell: Thank you. Davey msauri. O.J. Okay. Jeff bridgewater. Okay. We'll go to those speaking against. Ken cohan. All right. Jackie frost. Jackie frost. Wayne shipley? We've got two people coming.

>> Malware malware. Her [inaudible].

>> My understanding is that public comment time will be open next time.

>> Mayor Leffingwell: That's correct and we ask that you

-- we ask you not to speak next time.

>> May I defer my time to next time?

>> Mayor Leffingwell: You can. And some of the other speakers that are here would like to do that also?

>> Mayor Leffingwell: You're wayne shipley?

>> Yes. Thank you. Jackie frost?

>> Mayor Leffingwell: How about is

-- you have one donor, carol o'hearn. Is carol here? You have three minutes.

>> Thank you. My name is jackie frost and I live in the south manchaca area of the south austin combined neighborhood plan. I would like to begin by thanking everyone who has spent countless hours working on this plan. As councilmember morrison mentioned a few moments ago, y'all received a late email from myself in regards to the deed restrictions for my area of the south manchaca area. I hope that y'all would provide the south manchaca area the same consideration as other areas in regards to removing the infill options due to our deed restrictions. I would specifically like to mention the corner store options in that the maps that frances riley showed you with the two little circles between ben white and stassney on manchaca, there are already eight locations that could theoretically fall under a corner store option. They may not be on a corner, however they would be convenience stores, gas stations,

restaurants, those types of items. I believe many of the people who responded early on in a positive fashion have since changed their minds as they have become more aware of what actually infill is and what it means to the neighborhood. I'm convinced, as are most of the residents, that the infill residence will negatively impact the neighborhood, and not only for traffic congestion, which is already bad, flooding due to increased impervious cover and neighborhood parking. Just up the road on the other side of ben white they opened radio and it has caused major problems to that neighborhood. And the options provided for corner stores do not provide any kind of additional parking and we would have that same problem with our neighborhood as far as parking and our streets becoming parking lots. To change the tone a little bit. I've spoken to people in different areas of the plan. Neighborhoods have been divided by this plan. Neighborhoods which once were family oriented, neighbors who spent holidays together, had backyard barbecues together, who spent time on their porch, are now divided. The situation has changed the atmosphere in the neighborhood and it makes me very sad. I unfortunately am not one of those two has this type of neighborhood, but I am impressed by the number of neighborhoods in the area who do have this and it really, really does sadden me that this has come to divide a lot of the neighborhoods. Thank you for your time.

[14:37:08]

>> Mayor Leffingwell: Thank you. Leeann lands. Is leeann here? Thank you. How about jan iverson? So you have up to six minutes.

>> Thank you, mayor, mayor pro tem, councilmembers. I had kind of a prepared speech, but things have unfolded. I think that we can all see that I think we're closer toying than divided and I think it took this meeting today to bring us all in the same room to see how much we have in common. I think we're all saying we want a plan. We like the good parts of the plan. The area of disagreement is with infills. And I think them now as they seem to be coming over and saying they're willing to give up corner store, which we wholeheartedly accept. And are possibly willing to move on the others. Because I don't think we can say what happens in one neighborhood, it's okay for them to make their own decision because-- let me back up. Leeann land with the western trails neighborhood association. I'm the president. And I live fairly close proximity to south manchaca area. So my point is that what does affect them or their decisions that they make might affect me, such as jackie, I'm fairly close to where there might be corner stores. And so I would like to protect myself from having to be subjected to that, which she pointed out the radio coffee shop that's causing all kinds of havoc north of our neighborhood. So

-- and any of my neighbors that are along the area, it will impact them drastically. But anyway, I just think that-- I think that we are all here and we want a plan. We like the good parts. And I think we're coming together on the infills. I think it's best to err on the side of no infills. And if someone wants to have infills, then I think there will be mechanisms in the future with code next and maybe there will be better tools coming out of that. But at this point I think it's better, let's protect our neighborhood character as is and maybe we could have a big group hug and say we agree more than we disagree. So in fact, some of their speakers I think should have been signed up on our side, as you noted too.

[14:39:36]

>> Mayor Leffingwell: Sometimes it's hard to tell.

>> Yes, yes. I think it's a misconception for and against. I think really we're all for the plan, it's just we're not all for infills. So anything that makes our neighborhood better is a good thing.

Thank you for your time and consideration.

>> Mayor Leffingwell: Thank you. Fred cantu. Fred cantu? Laura shipley? All right. Is scott bell here? Scott is not here, so you have three minutes.

>> [Inaudible].

>> Mayor Leffingwell: All right. You actually already donated your time to someone who didn't speak, which normally means it goes away, but you can have david king's three minutes.

>> So six. Thank you. Thank you for hearing us, councilmembers. My name is laura shipley. I grew up in westgate, which is specifically the southern oaks neighborhood association. And I still live there now. My educational and professional background is an architecture and historic preservation and I work for a firm here in austin. That being said, my opinions on this plan come from the perspective of an architect active and preservationist. There are a lot of good things in the plan that I think will really benefit our area, specifically about preservation and sustainability, but in my opinion about the price and application of these ideas aren't fully considered. I would like to see more

-- just further analysis of what these actual I am planning area

-- what the actual implications of them would be on our area. So I'm going to touch specifically on preservation, sustainability and affordability. As a young person living and working in austin, I understand the appeal of mixed use living. I also understand that I don't plan on living in an apartment forever. So the plan caters a lot to temporary situations. A lot of the infill options are not conducive to permanent residents. And so with that apartment living is a temporary living situation so renters can't possibly have the same financial and personal investment in the community as a permanent resident. So I'd really push for a plan that doesn't prioritize temporary over permanent residents the way that this one does as it's laid out. And I don't see that as a sustainable plan, which is one of the main priorities for this. Sustainability is more about appropriately preparing for a given's community's future with its existing infrastructure and resources. That being said on the topic of affordability and sustainability, I lived in london for a short-term and I lived in a mixed use building with a portion of units being subsidized, and I paid \$1,300 a month, which was only a third of our rent. And the rent was so high because the subsidized flats were full and the owned flats weren't selling, so the cost for the people who had purchased flats continued to increase and it was getting to the point where they couldn't afford even the flats that they owned, so rent continued to increase, vacancy increased and crime increased. That was just my experience of how the whole concept worked. It's just one person's experience. But from what I learned I would never want to be in that situation again. And I know that most young people wouldn't want that either, speaking of my friend. I just wanted to make the point that it's a misconception at young people here in austin prefer to live in that type of structure. But even though I'm a preservationist, I'm definitely not against growth. I think that

-- I do think that replacing current structures with large, more environmentally demanding ones is a certain way not only to compromise our neighborhood's character, but also its

environment. This plan talks about how residents really value our neighborhood's character and it also acknowledges that we want it protected, which I like all of that. But I would like it to be more specific for how that's done. For example, to preserve any district's character certain things need to happen. Specifically in plant

-- and the plan addressed all of these, but I think this needs further explanation. Consistency in design elements, like building, height, setbacks, architectural periods, all of those things

-- we already have a healthy mixture of it and with a proposed infills it would be impossible to really maintain what we have now. Also layers of complexity, meaning commercial, residential, civic, green space, those types of things. We also already have all of those. I would like to see a plan that maintains our balance in con greens with the existing infrastructure to support it.

Especially I want further explanation on how the plan to increase density isn't also going decrease green space. Also attention to the scale of existing buildings. I know that that was addressed, but right now our scale is roughly one to two stories. I'd like the plan to maintain what we have without increasing impervious cover, which wasn't specifically addressed. I'm not saying that we shouldn't find a way to protect

-- to maintain potential growth and sustainability, but I just don't see the mixed use and infill as a valid option for our neighborhood. I think that preservation through rehabilitation is a good option. There was an image of an old tool shop on west stassney that was shown in the presentation, and that's a great opportunity for the creative enhancements that was brought up in the presentation. And I do believe that the most sustainable way to solve the problem of vacant space is to repurpose it. And by maintaining its original scale and form, the character of our neighborhood is not only preserved, but like the plan suggests, creatively enhanced. So these are all things that are already happening in our neighborhood and I really love that about it. It's where I've chosen to stay here. And yeah, it's what I love. Thank you.

[14:46:21]

>> Mayor Leffingwell: Thank you. Paula simpson.

>> [Inaudible - no mic].

>> Mayor Leffingwell: Gordon wesley. You have three minutes. Could I ask the clerk when we get through with all the speakers to give me a printout so we will have it for next time.

>> Good afternoon. My name is gordon wesley and I live in the cherry creek central neighborhood, which is on the western side of the garrison park area that we're discussing. I've lived in austin about 29 years and my wife and I bought a house in this neighborhood about 12 years ago. And what we like about it is the large lots, the space we have between the houses and things like that. We walk through the neighborhoods and there's in particular one neighborhood, this no one, this independence neighborhood, we've noticed the houses are so close together that you could probably stand between them and touch 'em. They're just so close together. And we don't want to live in a place like that. And that's why we picked the kind of neighborhood we're in. So I'm concerned about the infill options and I'm leery of

-- even though in this area they're not proposed for this west garrison area. I'm afraid that there will be pressure eventually to put those in place. We

-- well, personally I walk over to crockett high every morning, catch a bus because I work at u.T. As I walk through that neighborhood I see houses that go up for sale and then they sell and

then a few weeks later, a few months later they have a for lease sign up. And so somebody is buying up these houses. And we personally are getting fliers frequently, somebody wants to buy our house. And now, I feel like these are developers that are looking to put lots together to eventually build denser property. We're concerned about this as we begin to get closer to retirement, do we want to live in a place where we don't have room between the houses. Then the other item I wanted to talk about briefly was just what I

-- while I like the plan, I was a bit concerned. I was in one of the planning meetings and the question came up about the cost of the infrastructure and what it would take as we build a mixed use areas. And I was a bit disappointed in that. I'm an engineer and if we don't know something like that we take

-- we say okay, what if we built a 500 unit apartment on this corner? What would be the water and the sewer and the traffic? What things would have to change and what would that estimate of that cost be? And there were no estimates available on for this. I was a little disappointed that the plan was not vetted out in that way. That's all I have to say. Thank you.

[14:49:33]

>> Thank you. All right.

>> Mayor Leffingwell: All right. That completes the list of speakers for today. Councilmember morrison.

>> Morrison: I'm going to make a motion that we keep the public hearing open and postpone further consideration until the 25th, september 25th. I would like to ask for three things. Well, maybe I should see if I can get a second. I'd like to ask for three things.

>> Mayor Leffingwell: Motion by councilmember morrison to postpone until september 25th and seconded by councilmember martinez.

>> Morrison: With the understanding that speakers that have already spoken won't speak again.

>> Mayor Leffingwell: Private we're making a list to.

>> Morrison: I would like to ask for three things from staff. One is to be able to get a map that has the recharge zone and that could be overlaid with the program m.A.P. On page 10 #. You all in the staff report have these really great maps pornography what properties are affected by which infill options. And if we could get the floodplain overlaid on that, that would be helpful for me. And then also if you could let us know if there were additional deed restrictions that folks have.

>> Councilmember martinez.

>> Martinez: Is frances here? Francis, the infill options seem to be one of the more consensus points, a least from what we have heard. Were there any discussions about a potential opt in? If you achieved a certain threshold without a geographic area, then that part of the combined neighborhood plan could opt in to the infill options. Were there any discussions in that regard?

>> No. Not

-- so you're saying if development continued in an area and they changed their mind later on?

[14:51:33]

>> Martinez: It doesn't have to add development, it just -- so very much like we have other ordinances that allow neighborhood associations to opt into through their own volition by getting property owners to sign a petition. Is there a tool available in this regard that could be an option for infill options?

>> Not in that way. Some of the other options that you have on your motion sheet, like the front yard parking restriction, the mobile food can be done by a neighborhood association, and at some point in the future if neighborhoods did want to include some of the infill options that they pass on. Now they could do a plan amendment on that.

>> Councilmember, Greg Guernsey, planning development and review. Contact teams have come to us on the east side. I know they've come in and said we would like to maybe add an infill tool, limited the area, but it was after the neighborhood plan was adopted. And that could certainly happen in any neighborhood planning area that they could come back in and the neighborhood contact team and then go through a process to add in a tool. And I think the design tools are some of those examples where I think they've been more lovely discussion about that because when we had the early neighborhood plans, we didn't have the design tools that talk about garage placement or front yard parking. And so we have had some that have come back and expressed interest and come back after the fact and asked to adopt those in. It's not opting in or opting out so much as they actually make a conscious area to identify an area where they want to identify a tool from the toolkit.

>> Is that in a line with the neighborhood plan amendment process?

>> Yes.

>> Martinez: Could there be an option outside of the neighborhood plan amendment process if neighbors were to start having conversations about infill options and find that there is consensus where they once thought there was not and a threshold of, I don't know, 80% in a geographic area agree that that would meet the threshold for adding the infill options?

[14:53:50]

>> We could probably do something along that line. It would be adding another process, I guess, to what we have. We're not exactly set up for that. I think when we talk about the annual tools that we have, we actually apply those citywide. And so it's a way for neighborhoods that don't have a neighborhood plan to participate. You can I think working through the acts we have is a good cool tool and it's been one very valuable to add things or delete things along the way.

>> Martinez: Can you briefly tell us what happened in the planning commission and why they didn't

-- suspect maybe why they didn't make a recommendation?

>> I can tell you generally there were not that many members. I think you had a representation of five out of the target nine. I think there's a plan

-- there's a commissioner here if you want to ask that question in more detail. They were not all in agreement so these were forwarded to you. When this happened in the past sometimes it would postpone and wait for a larger number of commissioners, but that night they decided not to take that action and you have before you a planning with a staff recommendation, but without a planning commission recommendation.

>> Mr. Hatfield, is there anything you would like to add from the
-- were you there that evening?

>> No.

>> Martinez: Thanks, mayor.

>> Mayor Leffingwell: Let me just say that this is becoming

-- it seems like it's increasing as a problem that the planning commission doesn't give us any recommendation. So I don't know what the solution to that is, but it's very helpful to us as a council when we do have a recommendation to go on to balance the staff recommendation from the land use commission, and I think we ought to think about ways to make sure that we make every effort to get that recommendation and not just make one pass through and if they don't achieve the core majority then it's all over. Maybe we should come back again in the future.

[14:55:59]

>> We'll convey that message.

>> Mayor Leffingwell: Thank you. Councilmember riley.

>> Riley: Greg, I wanted some clarification on that last point. Councilmember martinez was asking about it. I know in the past we have applied infill tools on a subdistrict basis. For example, the manchaca area wanted to-- southern manchaca area wanted to adopt secondary apartments and then we could allow them to opt into that, to adopt that now even though other areas don't. Isn't that correct?

>> That's correct. And if it was

-- if it was a smaller area that we could identify in a map it wouldn't necessarily have to be the entire neighborhood.

>> Riley: It could recognize some very small subdistricts. There's no problem with that.

>> We just need to be able to identify it geographically.

>> Riley: Thanks.

>> Mayor Leffingwell: Those in favor of the motion say aye? Opposed say no. Passes on a vote of six to zero with councilmember tovo off the dais. Council, if there's no objection on item 144, I received a message from everyone who signed up to speak who is in favor that they don't want to speak, if we can address their item because they are

-- several are from out of town and

-- actually way out of town, houston, so they want to go back to houston. So if there's no objection, is there

-- if there's anyone who does want to speak, raise your hand and we'll go to another item.

Otherwise we can consider all the speakers signed up and I would entertain a motion on item 144. Mayor pro tem? Mayor pro tem cole moves to close the public hearing and approve the ordinance. Is there a second by councilmember morrison? Any discussion? All in favor say aye? Opposed say no? Passes on a vote of six to zero with councilmember tovo off the dais. Now 142.

[14:58:19]

>> Thank you, mr. Mayor, mayor pro tem, council, the item before you today is a floodplain variance request at 4515 speedway. I do have a presentation, but I'm going to move forward without it. You're not having deja vu. You have seen this floodplain variance before on this property. I wanted to recap a little bit about what's happened since that time. On march 28th, last year, 2014, you heard a floodplain variance request for this property. The development proposed at this time is the same that was proposed at the time previous. Since that time that it actually kicked off a flurry of floodplain variances in this neighborhood, three for that matter, so there have been four total. Some of the variances were for different developments compared to this one. We can talk in detail about those if you would like too. In addition, actually last month, july 17th, we had some significant rain in the watershed in the city, particularly in waller creek, and there was some flooding in this neighborhood, not necessarily structure flooding directly in the neighborhood, but we did center streets that were overtopped as well. I'd like to briefly run through this again. Not a lot of changes from what was proposed previously. This is 4515 speedway between

-- on speedway between 45th and 46th, the home is in the 25 and 100 year floodplains of waller creek. It is an existing 672 square foot single-family home. The finished floor elevation is a little more than one foot. It's about 1.3 feet above the 100 year floodplain. There's a picture of the existing house. The own certify proposing to develop a 2700 square foot duplex and here's the polygon of that building footprint that is being proposed. The building is obviously connected and it has two garages in the middle of that building so the driveway comes in on the southside and then parking spots on the garage area. The development encroaches in the 25 and 100 year floodplains of waller creek, therefore requiring some floodplain variances because it can't meet all of the code requirements. In particular it doesn't meet the safe access requirement. The entire lot in addition to the right-of-way and the speedway in front of the house is all in the floodplain, so they don't meet the safe access requirement. In addition, by increasing the conditioned area on the property we consider that to be increasing the nonconformity. The drainage easement request is actually a little different than what it typical, so I want to bring that up in particular to you. The applicant is requesting an easement from the drainage

-- a variance from the drainage easement requirement in its entirety. Typically what the variance request is is to eliminate the building footprint from the drainage easement, but this is different from what we typically see. We've talked about the staff axis criteria. You've seen that. I won't go through that again. Historic flooding in the neighborhood. This is november 16th, 2004. This is actually on avenue d, which is one block to the west where we had some flooding. Significant flooding, home flooding as well as in the streets. And like I said, just last month we had some flooding in the neighborhood where this is a picture of 45th street where waller creek got out of its banks and got into the roadway as well. No structure flooding on this block and the home that we're discussing didn't actually sustain flood damage. About the nonconforming use criteria, increasing conditioned area of the property, we consider that to be increasing the nonconformity. And really I think in essence this comes down to a matter of density. And it's a small single-family house and the proposal is for a almost 2800 square foot duplex, therefore increasing the number of occupants that could be in the building, increasing the cars that would be in the floodplain and increasing those folks that would be at risk at a time of flood in addition to first responders that may have to respond to that area. A quick

summary of findings, the applicant's engineer admit schmidted information that indicates that the development will not cause adverse flooding on other properties. It does not meet the safe access criteria. Its finished floor elevation of the duplex is 1.2 feet, so is very close to what the existing home is. And there's no hardship condition that exists when we talk a lot with fema about hardship conditions when they come down and audit our program, fact that there is a home on the lot now that is in use really essentially doesn't mean that there's a hard sipship to if this variance wasn't granted. The watershed protection department does recommend denial of the floodplain variance. There is a draft ordinance in your packet and again the only thing I really want to point out is the draft ordinance in packet, there are two conditions. One is for the drainage easement, one for an elevation certificate. If you do want to consider passing the variance, the drainage easement language in the ordinance states staff's recommendation, which is to have a drainage easement save and except the house it self or as the applicant's request is to eliminate the drainage easement in its entirety. I wanted to point that out. I'm happy to answer any questions and I believe the owner is here to discuss it as well.

[15:04:00]

>> Mayor Leffingwell: Questions? We'll hear from the applicant. Are you jean jimmerthy. You've got some people donating time to you. Sasha edwards.

>> Actually, that was from last night. I have one person here present.

>> Mayor Leffingwell: Let me just call the names. We'll find out. Lisa vorhees. Cynthia riser. So you have a total of six minutes.

>> Thank you.

>> Thank you, mayor and council. I've owned this property for almost 20 years. I'm making the request for a floodplain variance because my 80-year-old house is unsafe and the cost to make it safe as a single-family home is beyond my means. As kevin's presentation demonstrated, if a flood were to occur in this area, at two feet of flood water, the current house's floor would be submerged and the entire house would also create a dam in the flood waters so this is an obvious hazard for me, it's a hazard for my neighbors. The new building, as proposed, is a duplex with a properly engineered foundation. It would remove the existing threat to safety. The cost of the improvement is offset by the sale of a second yentas an affordable condo is my plan, so rather than keeping one family wholly within the floodplain I propose the city allow a new structure designed to keep two families out above the floodplain. I have met with the hyde park development community, they've reviewed my plans and because I'm planning to occupy one side of the duplex and the duplexing allows me to finance improved conditions for the street, I've received their approval of the project and I'm hoping this presentation will meet with yours. So to give you a better understanding of the house and its unique location I have some site photos. Photo a is similar to the one that kevin just showed you. It's the street view, 672 square feet. It's between two duplexes, 4517 to the north is 3728 square feet. This is prior to McMansion. Note the parking lot in front of my house. This really diminished my home's value at the time back in 2000 when this was constructed. Photo c is 4513 to the north. The square footage of that duplex is 2588. I'll show you the backyard here. This is my backyard. It's 7800 square foot lot again to build a duplex the minimum is 7,000. This is 7800 square feet, so can more than accommodate the additional square footage. Then you have photo e is 4517

speedway and photo f is 4513. Together they essentially create a canyon of a backyard for this particular single-family home. For anybody unfamiliar with speedway, it's very different than the other avenues in the area. Most of the lots are significantly smaller and they contain only single-family homes. Avenue d, for example, between 45th and 46th where Kevin also had a photo, contains 24 houses. And just two duplexes. Speedway in comparison contains 11 houses, four duplexes and five multiunit apartment buildings. We're talking about a very different housing mix. So back to the proposed plans. The city staff agrees and it was on its slide specifically that the duplex solves essentially two problems. Unlike the current house, it causes no adverse effect or no adverse flooding on the other properties. And second, the finished floor of the duplex is higher than the minimum required and it removes the occupants entirely from the floodplain. So to illustrate this, the pink highlighted area here is two feet of flood water. So as you can see the foundation would be

-- the house is submerged and it blocks the water significantly. You can see that it would actually be coming in the front door. In the duplex, the pier and beam foundation, the water is only blocked at the piers and there is a mesh surround indicated by the gray area between the piers that allows the water to flow safely beneath the building. Also notice that the finished floor is in fact above the water. So to get to the solution, I'd kind of like to take a minute to show you the process that I've gone through in 1996 I purchased the home. In 2000 the duplex to the north was built with the parking lot in front. In 2001 I had to return to Chicago to work. I had to basically relocate and I rented the property for years at a loss due to its very small size. Again, it's 672 square feet. In 2007 I returned to the house. I needed to make pretty major repairs to the floor and remediate mold due to the poor air flow beneath the house because again, this foundation company that I consulted at the time explained that the property is too close to the ground. Hi a topic graphic study done and basically the foundation company told me that the mold and floor warping would continue. So in 2008 based on that study's findings and because of the cost of the proposed foundation that they gave me I had architectural plans drawn for a duplex. The plan being to move into one of the properties and have the sale of the other property as a condo pay for this improvement. The plans at that time were rejected. Again, it's for the floodplain issue and McMansion issues at the time were changing. We kind of reworked the foundation, resubmitted to the city. At that time it was caught in the kind of infamous permit backlog and it was again rejected for floodplain. So finally in 2012 the plans with the wire surround were essentially kind of did the job with floodplain, except for the access issue, the safe access issue. The McMansion rules were satisfied, but the safe access issue requires a variance. There's no way around this. There's no possibility of safe access. In 2003, yes, I made a very insufficient presentation, mainly by a permitting consultant. I'm personally to kind of walk through this. In 2013, sorry the variance was denied. Again, I'm here today personally speaking your approval to improve the property. So in summary here the staff agrees that the new foundation solves the problem of an insufficient foundation foundation that currently threatens the occupants as well as the neighbors.

[15:10:51]

[Buzzer sounds] [one moment, please, for change in captioners]

[15:13:22]

>> who gets hurt in floods and how?

>> Personally

-- first, let me make a quick comment on the foundations

-- call it a wash at about the same elevation.

>> Spelman: Not raising above the flood waters.

>> No, but the proposed foundation is open at the bottom. Pier and bedroom without a skirt wall, whereas the existing foundation has a skirt wall around it. In general, speaking, as far as flooding, flood hazards and homes, typically the most flood hazards and the most flood deaths in our state and really nationwide happen with people in their vehicles. 75% of flood deaths happen with people in their vehicles. So the message that we as a depend, as a city, working with a.F.D., A.P.D., homeland security, we key in on vehicle safety obviously. Obviously there are some issues in people with houses as well. And so what we have the message we're crafting is we can't make the decision for people. But we can

-- we can instruct people to make the best decision on what's happening for you at that time and then in some cases sheltering in place may be the best decision. In other cases, people may want to get out. It's hard to stress shelter in place when you're in that situation, the water is maybe coming around your house, maybe in your house. Maybe they don't remember that recommendation or maybe that's not the best decision for them. But it can fall in a variety of different situations depending on what's happening at that particular location.

>> Spelman: Basically you're just telling people to use your head and then

-- then you might be safer staying where you are than trying to get out and finding high ground place.

[15:15:25]

>> That's correct.

>> Spelman: How big an effect would

-- how large of an effect is the current configuration

-- does the current configuration of the house have on the flood height for the neighbors? Right now she's a big block in the middle so the water has to rise a little bit higher around her.

Probably not a big deal. But is it something which is measurable?

>> I don't think so, it's a pretty small house. There are, you know, houses that

-- all along that line within that block, I wouldn't say that it's a significant issue. Just that one house in and of itself.

>> Spelman: Is there a safety value of any kind for her or her neighbors with having the water flow throw the foundation rather than having to flow around?

>> Is there an improvement having it flow through?

>> Spelman: Yeah.

>> I would say that the engineer's submittal didn't indicate that flood levels go down an appreciable amount because it flows through. In this case it's expanding the footprint area of almost triple what it is now. In order to do that and not increase water surface elevations they had to open up the bottom foundation in order to allow water to flow through.

>> Spelman: Okay. Well, try to answer my question, though. Say if you had two foundations of exactly the same size and one of them I just a concrete block and the water has to go around it, the other one has some sort of a mesh for the water to go through it. Is there a difference in safety to the people in the house or the people surrounding that area on an apples to apples, same floor plate comparison.

>> In this situation, the size of the house the density of the area, lots of houses all around, I would say there isn't a significant danger posed to the occupants or the neighbors in this case.

>> Spelman: Okay. So it's a wash either way because it just doesn't matter from your point of view.

>> From a flow through or hitting the foundation, really what we key in on is what's the level of the foundation, the height of the finished floor elevation.

[15:17:25]

>> Spelman: Okay. Would there be a value if this house were raised above the -- the 100 year floodplain?

>> The existing house.

>> Spelman: Yeah. The existing house, the finish floor is 1.3 feet above the 100 year foundation.

>> Spelman: Never mind. I misunderstood something that I heard you say a few moments ago. Okay.

>> Mayor Leffingwell: Any other comments? Councilmember riley.

>> Riley: I don't have

-- well, I guess [indiscernible] this is

-- this is a

-- something we've seen before with property owners doing their best to make improvements on a lot that is challenged because of its location in a floodplain. But trying very hard to address the flooding issues that have been raised, I'm persuaded that in this case that the benefits of allowing the permit far outweigh the negatives. I appreciate all of the diligent efforts of the applicant over a period of many years, I will move that we close the public hearing and approve the requested variances.

>> Mayor Leffingwell: Motion by councilmember riley to close the public hearing and approve the variance. Seconded by councilmember martinez. This is

-- entirely within the 25 year floodplain. It dramatically increases the occupancy of the

-- I would be

-- I realize this is an already built out area. If the replacement were

-- were at least a little closer to the occupancy limit now, I could support it. But in view of the fact that just this year alone the city has spent millions of dollars buying out people in the 25 year floodplain, I'm

-- I'm regrettably going to vote no. Those in favor say aye.

[15:19:29]

>> Aye.

>> Opposed say no.

>> No. Passes on a vote of five to two, with myself and

--

>> excuse me, 4-2 with myself and councilmember morrison voting no, so that will be on first reading only. And that take us to

-- will bring this back on the 25th I guess. Last item is item no.143, let me say this, before we start this we have approximately an hour and a half of public testimony. We are not on our own turf here, this is county turf, we have to be out of here at 5:00 p.M. If everyone wants to speak, we will take as many of you as want to speak and then we will

-- we will have to

-- we will have to postpone the item until a later date. And that

-- you know, obviously we've got about 50 minutes right now that's about half, but the council is going to have to have some time for discussion and again if we don't complete our discussion we'll also have to postpone the item. So

-- so do we have a staff presentation first? You might want to get-together and see who you really, really want to speak, if you want to get through it today.

>> [Indiscernible]. Good afternoon mayor and council, thank you for hearing the urban trail master plan, my name is chad craiger with the public works department. The catalyst for the master plan was a resolution passed by council in 2008 and the reason that it's taken this long, the main reason is that we wanted to wait for the adoption of the watershed protection ordinance. We felt it was appropriate because it had such a great impact, not just on trails, but on all creeks in austin and we worked very closely with watershed for that process. The resolution in 2008, council asked to provide interdepartmental consultation and coordination, develop a map. And identify other processes and plans that would aid in implementation. So for the first one, the interdepartmental consultation and coordination, we put together a technical advisory group for the urban trail master plan. It was made up of everything from parks and recreation to watershed to campo, txdot, capital metro. A plethora of many departments. Anyone and everyone that were involved with urban trails. Next what did we do to develop a map? We looked at the 2009 bike plan. We looked at imagine austin. We looked at neighborhood plans and we looked at the long-range parks and recreation plan. We put all of those together to develop a map. I want to concentrate a little bit on imagine austin. Imagine austin discusses urban trails in many places but we had planning development and review staff. They reviewed our master plan and determined it was not only consistent but promoted many aspect of imagine austin. Public input process, we had extensive input. We had a telephone survey. We stopped people on trails. We had an online survey, we had five public meetings. We also developed not only the technical advisory group of different departments and entity, but also a citizens advisory group. The late backup that went in august 27th memo, reflects recent comments from the

-- from some of the citizens advisory group and we've addressed a majority of those and including those in the late backup, which was the catalyst for that late backup. So the map that exists right now, the map that's shown, tier 1 and 2 trails. The way we developed our map, we had 47 tier 1 trails, the high priority. The criteria was how does it connect to transit, how does it connect to schools, how does it connect to retail and neighborhoods. So we focused on the connectivity to different things. The reason being if we were to focus on the environmental

impacts at this time, we're at such a high level, we're at 30,000 feet, we have no idea what some of those critical environmental features are. What this shows you here, this map gets you from point a to point b. Really a line on the map, we don't know the exact alignment until we go into a project by project basis. I will also point out that the dashes that are the blue on this, at least this screen, represent tier 1. Ti 2 trails 360 miles of those, those will be done at a later date because we've determined that they're lower priority. The only time we will focus on those, the like

-- they will likely be done by developers or other plans, but not the urban trail program at this time. So processes and plans that will aid implementation. After the adoption of the urban trail master plan, we wanted to develop a trail criteria manual. It's very similar to the watershed protection ordinance, development and environmental criteria. It will go through stakeholder, rules posting process. We also want to create incentives for developers to construct urban trails. We recognize that these are significant projects and we would like to work with developers and we've already had developers coming to us and constructing certain trails because they recognize that the amenities of these bring in the transportation options they bring to developments. Also, we want to

-- we'll work interdepartmentally during the preliminary engineering report and this is key. One of the keys of the technical advisory group is not only did we work with all of these departments during this plan, but we're also working very closely with them now from here on out. In their infancy all the way through construction. Also during the per phase, we're going to seek public input. During that we're going to have two public meetings for future preliminary engineering reports. As well as additional public meetings for neighborhoods that are adjacent to public trails. I'm sorry, to urban trails. Then

-- then once we get to 30% design and determine alignment, we're going to brief the appropriate boards and commissions. I'll point out that normally in the watershed protection ordinance it talks about administrative variances. Whenever we go through watershed protection we will brief appropriate boards and commissions including the environmental board. That will be at 30%. What is an urban trail. We went back and forth on this, finally we realized we can't say it's for recreation or transportation. There's no difference between me riding with my family on a trail to a park versus me driving in my car to a park. That transportation or recreation. So we realized it's for both. We want to accommodate all users, bicycles, pedestrians, roller bladers, razor scooters, those with disabilities, everything. We want to make it a hard surface, that's asphalt or concrete. The reason for that is three fold. One, since we're accommodating all of users, all of those users prefer a hard surface. Two, actually in a maintenance standpoint much cheaper to maintain a hard surface versus a decomposed granite trail. Three, the decomposed granite trail costs so much to maintain, if there's ever a large storm event all of that, for example, the butler trail goes into the lake. What we're trying to do is protect the environment with these hard surface trails and armor them appropriately. How does an urban trail become an urban trail? This is important. The map that we showed before really showed a line to get people from point a to point b. Once we get into an actual project, what we will do is identify the funding for the preliminary engineering report. Then we will begin the interdepartmental coordination where we will actually have literally boots on the grounds with watershed protection, planning and development review as well as parks and recreation to determine different legitimates, what's feasible

-- different alignments, what's feasible. We may have three or four different alignments we will bring those to the stakeholders, to the public, show those alignments and so that people can see and we can be as transparent and we can, they can have input on those alignments. We will gather the public

-- stakeholder information, we will look at the environmental criteria and the costs and one thing that I keep reiterating is that these trails, these projects are three-legged stools. Once we determine those three things, the stakeholder input, environmental constraints and costs, then we can determine the appropriate alignment to move forward with. Once we determine the appropriate alignment, we will have a draft and go back to the neighborhoods, show them the direction that we're going and then start design. Once we get to 30% design, we're actually going to brief the appropriate boards and commissions including the environmental board. And then we will move forward to 60% and 90% design and then construction. I want to point out that I have Matt Holland with the watershed department here if there's any questions about the watershed protection ordinance. We have worked extremely closely with Matt and the watershed department. And then lastly, this is a great picture to show, who we are designing urban trails for. It's not for just bicycles, it's not for runners, it's for everyone in Austin. So -- any questions?

[15:29:24]

>> Mayor Leffingwell: All right, thank you. We will go to our speakers. See how far we get. Joseph Gilleland.

>> Good afternoon, my name is Joe Gilleland. I'm here to request that the council send the [indiscernible] back to staff for more work. The word trail does not communicate the true nature of these structures, the urban forestry board referred to them as many roads. When we canvassed the neighborhood about moving the violent crown trail people were shocked when they learned they were 12-foot wide strips of concrete. At the July 30th open house the trail met a 12-foot strip of concrete was not given freely by any of the presenters, that fact had to go dragged out of them with questioning. It also lacks a no build option. The urban forestry department proposed no bill options with clear triggers, any one of the following triggers should prevent the public works from further consideration

-- considering that route. For example, trigger one, existence of a better alternative route. There are two alternatives that do not impact the West Creek neighborhood. Alternative 2 is the route approved by the council in 2010 and the city and others spent \$400,000 to engineer. The biking community objected to go through the lights at William Cannon and Mopac. Alternative 4 includes two-thirds of the route of alternative 2 but crosses under Mopac and which -- then must cross William Cannon at Mopac, just as alternative 1 must cross William Cannon at Brush Country. But public works and biking community are focused only on an alternative 1 along the southside of Williamson Creek. Alternative 1 would wipe out 27% of the greenbelt in that area. Trigger 2, the lack of neighborhood support, we have over 100 signatures from West Creek residents that oppose alternatives 1 and 3. Trigger 3, unresolved public concerns, public safety concerns. The UTMF should require all trails to be approved by the A.P.D., Austin Fire and E.M.S. Services. Since they all have to respond to the accidents and other incidents along the trail. The no build option that made it into the UTMF has no clear triggers and is inadequate.

Another deficit in the utmb is that there is zero protection for residential property adjacent to the trail, the violet crown trail final master plan at least mentioned property owners and states projects can and should be accomplished with minimum impact to surrounding and adjacent private property owners. The williamson creek greenbelt is very narrow along the southside of the creek entirely in the 100 year floodplain. Many of the residential properties are only 60 feet from the creek bank. Williamson creek flooded last okay. If the trail had been in the middle of the area between the creek bank and the residential property it would have been covered by four feet of water.

[15:32:49]

[Buzzer sounding]

>> Mayor Leffingwell: Thank you. Kathleen roper. William barnes, richard karnes. Is richard here? You have up to six minutes and we've got about at the most 20 minutes more on this them.

>> I hope y'all have this map. If not we'll live. It was handed out yesterday. My name is katie roper. Joe is my husband, we both live in the west creek neighborhood along the williamson creek greenbelt. I want you to know I'm pro trails. I'm actually pro this plan if it's rewritten to include some more guidelines. It's too general now. Y'all gave an award yesterday to people who are rehabilitating greenbelts. But today we're considering a plan that would allow paving the greenbelt along williamson creek. U tmp is vague about public input. Says something about open house, then maybe stuff online, then maybe another open house. Now, why are we talking about this williamson creek option of violet crown trail. That's because ms. Craig and ms. Barrera who are promoting this are also now in charge of the implementation of the vie violet crown trail. After lots of money and time was spent to design that trail. That is still the trail that's in the ump whatever it is, utmp master plan is what was designed in 2010. The trail, they are trying to change it to is a tier 2 trail. It was never on the master plan, it's not been considered an urban trail ever. Not in the neighborhood plan for oak hill. Nowhere was it considered to be a 12-foot wide trail in a narrow, narrow greenbelt. Before the open house the city distributed some fliers along the greenbelt. Along the homes there. Nowhere did that say have a map, nowhere did that say it involved a 12-foot wide concrete trail. A lot of people didn't go to the open house. Because they looked online and the hill country conservancy final master plan was the only thing online. It had a trail that never got near west creek. So they didn't go. The open house was also co-sponsored by the oak hill trail association and they had an information table there. So some of us went ahead and went to the open house. There were four stations, showed big pictures of trail options that we had never heard of. We had been denied access to maps. The neighborhood association requested maps and we did not get them. The gentleman from the oak hills trails association was physically going over to option 1 which goes through the williamson creek greenbelt saying this is the one we want. The last year, he's had on his facebook account, yay the city is going to build the violet crown trail along the williamson creek greenbelt. It was clear that he and ms. Barrera supported option 1. Interviews that had been in newspapers with both ms. Barrera and mr. Craiger had mentioned things like taking the trail through the woods, taking the trail through parkland because we open it, we can build on it. They clearly preferred option 1, so I'm not sure what the public

input was about. It was about convincing those of us who showed up that option 1 was the way to go. Then after the open house, it was a week and a half before the full information was posted online. A lot of people left that open house still thinking we were talking about a two-foot wide trail. No idea about the 12-foot of concrete. They started a survey august 11, supposed to come down AUGUST 30th. That's less than one month of input for the public. But apparently the urban

-- oak hill trails association has been having input for the last year. Why do we only get one month? And the survey. Nothing asks on the survey what is your interest in this? Nothing prevents people from wiping cookies and taking the survey repeatedly. Nothing about the survey passed out at the open house means anything because half the people there did not know that we were talking about a 12-foot wide concrete trail

-- road, not trail. And assist joe mentioned the neighborhood does not support this. The people who would live adjacent to this trail and be impacted by 50,000 square feet of impervious ground cover added to that greenbelt, that greenbelt that flooded, that greenbelt that williamson creek had to be evacuate in the middle of the night in october. Have we added money into the trail plan to buy more houses like we're buying on onion creek? That's what's going to happen, we're going to run all of that water on down the street, on downstream. Just because the urban trails are allowed in the new watershed ordinance doesn't mean they're not the right way to go. Doesn't mean they should be option 1 of a trail plan. So those things need to go back for rewrites. How are stakeholders identified. How is public input given. Apparently the people who

-- who are promoting utnp and promoting need some guidance, thank you.

[15:39:15]

>> Mayor Leffingwell: Time. Council, before we go to the next speaker, a request from councilmember spelman that will take about five minutes point of personal privilege. Councilmember spelman?

>> Spelman: Thank you, mayor. Thank you for making time for this. I hope this will only take five minutes one way or another. As many of you

-- I think all of us on the dais know. I left the meeting last night before taking up the last item. What I thought was going to be the last item because I had a family emergency. I was not on the dais when we continued past the point which I thought we were going to stop and picked up items 158, which is fine. Kathy tovo was here and wanted us to consider 158, that's perfectly reasonable. Also item 157. 157 is first I pulled 157. The reason I pulled 157 is because the extremely important item. It would change direction at least to some extent for austin energy's generation plan and would, among other things, ask the

-- direct the city manager to develop and implement policies, procedures, timelines, targets and direct austin energy to make many decisions big and small on

-- big and small towards implementing the generation plan recommended by our task force. It seems to me that if you are in favor of the generation plan task force's recommendations, an argument in favor of our having a real conversation about that is that the people who are going to have to implement that plan, austin energy, appear to be against it. The fact that austin energy issued a press release against this item from council is unprecedented and I think well at

least irregular, I think improper. On the other hand, there's a reason why they did it and I want to know what that reason was and I would like us to have a conversation which would help to surface those issues. Because if this directive is in fact going to be implemented properly, it's going to have to be implemented by austin energy staff. I want to know what's on their minds. If you are against the generation plan, of course you want to hear the people against. If you are like me, you are extremely sympathetic to the item from austin, you want to be sure everything has been heard, all important issues surfaced we need to have a conversation which apparently we did not have last night. My points of personal privilege is to give this personal sheep and partly to ask if anyone who voted in favor of item 157 would be willing to ask for this item to be reconsidered so that I could then make a motion to have that real conversation on the 25th of september where we will have austin energy staff in the building. All of the speakers who wanted to speak both pro and con would have an opportunity to speak, and we would all have an opportunity to consider all of the issues involved in item 157 among ourselves.

[15:42:14]

>> Mayor Leffingwell: Councilmember martinez?

>> Martinez: Thank you, mayor. Thank you, councilmember. I appreciate, you know, the level of concern that you have for the item. The reason I made the motion last night is that there was no one opposition. Three neutral that were given the ability to speak. Austin energy, also the executives of austin energy were sitting at a restaurant perry steak house down the street and were informed this item was being brought back up. Clay butler walked from that same restaurant, he was the individual that informed them, walked back here, got here in time before action was even taken. Ninininininininininininin chose to stay at the restaurant while we took action on them. For that and many other reasons, not the least of which I strongly support the recommendations and because no one was signed up in opposition, I think it was a duly adopted item and I think if

-- if information comes to light, if compelling data comes to light, austin energy

-- that's the other conversation that I want to have, I'm glad that you made the point about the improper act of austin energy sending out a press release statement against the council policy--
[applause]

-- but if there is some compelling information, I am certainly willing to make that motion and revisit this item. But I haven't seen it. And austin energy has said in their press release, they don't have time to review our proposal but yet they can make the assumption that it would cause undue harm to citizens and the utility. It doesn't align, if you will.

>> Spelman: I appreciate that councilmember martinez. Whoever steak house stay as they did. Adopting this as important as this one in a flurry of activity without conversation, regardless of whether anyone acted improperly or not, does not bode well for the long term of getting that implemented. I would like to be sure whatever policy we make with respect to generation of electricity going forward is in fact implemented properly by other people who have to implement it, who are the austin energy staff.

[15:44:37]

>> I feel like I have to say at this point with all of the actizations that have been made which are at this point simply accusations, is that what we know are the facts. What's on the record is that this council approved a motion and approved by everybody on the dais to not consider that item. To proceed with the two ensuing items and then to postpone the rest of the agenda and then after those two items were heard, this was brought back up. This, of course, in the interim, everyone who had planned to be here could have gone home and many did. The staff left the premises. Those signed up neutral, we all know what neutral means around this place. Neutral means that you are really against it. You are just signed up and hoping that you can talk about some modifications to it. In addition to that, I believe it was a discourtesy to councilmember spelman who pulled the item from concept and he left thinking it was not going to be brought back up. So I think it would be appropriate to honor his request.

>> Mayor?

>> Mayor Leffingwell: Mayor pro tem?

>> Cole: I would just like to say as the one who seconded the motion to bring additional items up after you left and after councilmember spelman left, that I really don't feel comfortable if one of my colleagues want us to reconsider an item simply because of the conversation. I don't really predict, given the information that we have received thus far from austin energy, and some of the points that councilmember martinez has made, that we will necessarily change our position. But in the enter of transparency and a full dialogue, I will make that motion.

>> Mayor Leffingwell: Mayor pro tem cole makes a motion to reconsider. Is there a second?

>> Second.

>> Seconded by councilmember spelman. Councilmember martinez?

[15:46:39]

>> Martinez: I just want to address the comments. We actually have a public email sent to us from the individual that informed the austin energy employees and also contains a photo of the establishment with the austin energy employees at that location at that time. I'm not making allegations. I'm just relaying what was sent to me that's all. I just want to make it very clear.

>> Councilmember riley.

>> Riley: I agree completely with councilmember spelman that the matter we're talking about warrants a further discussion. More in-depth discussion than last night. I fully expect that we will be having

-- the opportunities to have that conversation and I'm hopeful that we will be able to schedule that

-- that presentation from the task force and

-- whether in an upcoming work session of the council and in a meeting of the austin energy committee of the whole council

-- I don't see any reason to undo our action last night because I don't think, based on the input we got

--

[applause]

-- based on the input we got. We know where austin energy stands on this. We know where the citizens who signed up to speak stand. We know that nobody actually signed up in opposition to

it. I don't see a need to change the vote on that. If we proceed with a whole discussion of the task force and learn something new that doesn't cause us to change our minds and think we may want to do something a little bit differently, we can always revisit down the road. That's the case whenever we set policy, we can always revisit that. I don't see that there's any valuable purpose in undoing our action last night.

>> Mayor Leffingwell: Once again, councilmember, with all due respect, people signed up neutral. Neutral means that you are really against it as it stands right now. You know and I know there are plenty of people opposed to this resolution. Councilmember morrison?

[15:48:43]

>> Morrison: I appreciate councilmember riley's point of view. And that is sort of my thinking, too. That is certainly this deserves and needs additional information. And I think the appropriate place for that is in the ae committee and we'll be able to have two hours on it. Frankly, you know, our council meetings are really getting full and for us to be able to put our minds to it, I think is appropriate. So I'm not going to support the motion to reconsider. I do want to lend my voice to the concerns that have been raised about austin energy having put out a media release attacking the council resolution. And in particular about it, it was not just an informational piece. It was a piece that made allegations of folks playing politics and I think that's really inappropriate.

[Applause]

>> Mayor Leffingwell: With all of the comments I will have to say it may have been inappropriate for austin energy to issue that press release. But I believe they spoke the truth and I believe it needed to be said. I believe the situation was dire enough to deviate from the normal way of doing business to bring these items to our attention.

>> Cole: Mayor? I would like to ask councilmember spelman for his comments on the appropriateness on the

-- of considering this item on an austin energy subcommittee.

>> Spelman: If we were to reconsider this item, my motion at that moment would be to postpone action on item 157 until our next austin energy committee meeting. And to take it up at that time where we'll have the benefit of austin energy staff, a little bit more time on our part to consider really nothing other than that item and the benefit of any speakers who want to come tell us what it is they think about it. I think councilmember morrison is absolutely right that that's the best place for us to have the conversation that I believe we so desperately need to have if we're actually going to make a policy which in fact will be implemented.

[15:50:59]

>> Mayor Leffingwell: All right. So the motion to reconsider is on the table. Those in favor say aye.

>> Aye.

>> Opposed say no.

>> No.

>> That fails on a vote of 3-3 with councilmembers riley, martinez and morrison voting no and

councilmember tovo off the dais.

>> Spelman: Thank you, mayor.

>> Mayor Leffingwell: Okay. We will go back to our public hearing, we will take about five more minutes of comment. If we are finished in five more minutes we can finish the item. Otherwise we will have to postpone it. So I believe we have douglas McCray. Douglas McCray. It's douglas here? All right. Zoyla vega. David king. Michael fossum, you have up to nine minutes and that be the last speaker.

>> Okay. I'm zoyla investigate gayavega, I was [indiscernible] along with ginter and cynthia. We did not support this plan. We worked very hard to get improvements. We have had some improvements but what's missing are three more parts what we ask is that you please make those changes so we can support our plan. Don't approve it without those changes. In response, quick response to the comments from staff, the [indiscernible] team did not have a single person that was a wildlife specialist. Maybe [indiscernible], think it was for watershed and protecting the water. Regarding the map every single creek was marked as a potential trail. It wasn't from here and there, every single creek. Three legged stool,

[15:53:03]

[indiscernible], environmental and [indiscernible] could not be looking at all of the trails from a very high point of view and not including any of our [indiscernible] consideration at that stage. The trail master plan does not include any considerations and until they get into the engineering report by then they have already chosen the route. The people do not like hard surfaces. Not everybody likes them. Some people that run prefer softer surfaces like decomposed granite trail or mulch. Cyclest would rather have asphalt. Regarding the open house for the violet crown phase 2 I was there. They did not have a poster showing the 12-foot concrete trail. Whenever I show it to people, remark to people these four things, [indiscernible] going to be a 12-foot wide concrete trail. They were horrified. They did not know that. Imagine austin is not really asking for just connectivity. They ask for connectivity and protect the environment in the sustainable way. They ask for [indiscernible] and located trails, protect the environment, waterways and [indiscernible] very specific. We have provided, like I said [indiscernible] over one and a half years. The urban forestry board did not approve the plan. The connectivity asked for approval but they did not get it, now they call it a briefing but they ask for approval it was denied. The forestry board only approved the recommendations, visual impairment tall board approved the recommendations and -- environmental board included. The [indiscernible] committee and additional conditions. The planning commission did not approve the plan much again, it was not a briefing. They denied the approval. Why? Because they said two million per mile was too expensive. They were concerned many neighborhoods that were not aware that the trails would be paved and concrete trails will not bring people close to nature but destroy it. This is what happens when you build a concrete trail. 12 foot wide concrete, you have to clear all the way, 20 feet on each side. And notice the motorcycles riding on it. You have to clear that permanently. Not only for construction, it's also for maintenance. Two feet shoulder that gets mowed but also about eight, 10 feet on each side has to have very few trees and short veggation. 700 trees were removed to build the walnut creek trail. What really matters is the location of that trail and

that's exactly the three points that we have not been able to negotiate, the location, the trail, the widths of the trail and the review. The watershed ordinance says to place the trails in the outer buffer, which is great. However there's some administrative areas they have told us they will use it. When they were

[15:56:04]

[indiscernible] the only public land available. Watershed says okay we will meet again asking them to put protective works. That means taking all of the trees and vegetation, putting limestone walls all of that. That destroys all of the riparian zones. On the walnut creek trail on the left you see the trail is too close to the trees, not a really good design, also elevated and changes the water they get. The on the right-hand side the bicycle and pedestrian bridge. That's a good design. Why? Because it has a team with a arborist and certified [indiscernible]. We are asking they be involved throughout the process from the selection of the initial route options to the trail installation. We have not got that. That's kind of ambiguous. This is the matrix that's used to rate the prioritization. Nothing on the environment. And there's no way that I can fix it because there's 285 points for connectivity. So if there was a three legged stool and I wanted to have the environment the same weight as connectivity, I would have to give it 285 points that's impossible to do. Variance the trail administer a variance, there's a [indiscernible] on the boards and commissions. This means there's a lack of transparency and a lack of adequate public input. If this is the variance exactly in the code. If you look at the bottom, the boards and commissions will be briefed just like chad said, not review, not approval, briefed. That's all they are giving. And if an urban trail design cannot meet the minimum requirements, the environmental board asking them to go beyond the minimal requirements, specifically. Gave them some cases. Also notice that the administrative variances just straight variance, there's no findings of fact or conditions to have them. If you look at the variances, they require some conditions, if this happens then you can get a variance. If you do this, find these facts, then you can get an administrative variance. In this case you just ask for it and you get it. This is in the

[15:58:13]

[indiscernible] if you want to see it. In the handout that I asked to pass. First require that the trail and administrative variance be remove from the plan because it defeats the purpose of the watershed ordinance and riparian zones and lacks transparency. Second we ask you to require an environmental board and land commission review at 30% early in the design so that the public can provide alternative routes and a 90% finding to see what happened and for them to approve the trail variances. To do this, this has a -- these are the changes that you have to do this. Change from briefing to review and includes 30% and 90%, but not just in briefing but review and approval of trail variances. This was discussed in the environmental board meeting when they approved the watershed ordinance last year. And they discussed it again this year when they approved the plan. The bottom part ever of [indiscernible] they specifically said that exceed the current code, for instance, when you put the trail in half of the critical water quality zone and three-quarters of the root zone of a heritage tree when you are close to the set back for a critical environmental feature, come

back and ask for a review and a waiver. If you watch the tape of the environmental board [indiscernible] that's not what's happened. The response was we have an administrative variance and we intend to use it. The third requirement that we ask you to give is require a maximum trail width of 12 feet. This is not clear. In the critical water quality zone the response from staff is we're going to do it maximum 12 feet for impervious cover, but if we have a dual track, then the dual track the part of that that's impervious cover will have a maximum widths of 12 feet. But the entire track will be 20 feet or 30 feet. That's okay some greenbelts but it's not okay if you are really close to the creek. The exact language on the watershed ordinance says the maximum widths will be 12 feet unless a wider trail is designed in the urban trails master plan adopted by council. That's what you are about to approve. There's no, sir like this trail is going to be wider than 12 feet. The bottom paragraph is what's in the master plan. The trail will be only 12 feet wide unless the density of the trail and the number of potential users justifies needing a wider trail than the standard. When it means is that we will make it 12 feet wide maximum unless they don't. Unless when they need to. And they are not telling you when. This is all going to be approved by you because that's the watershed ordinance. You are the one that gets to approve the width. So we're asking you to add to the last two sentences, trails in the critical water quality [buzzer sounding] thank you.

[16:01:12]

[Applause]

>> Mayor Leffingwell: Council, it's

-- it's 10 minutes until 5:00. I'm going to take a few minutes to clear, we're obviously not going to be able to finish, so I would suggest that we table this and entertain a motion to postpone it until sent 25th, COUNCILMEMBER Morrison.

>> Morrison: I would like to do that. But first I do want to ask if staff would be able to create a track changes version with the three pages of changes that you have in your 27th memo? Maybe some more on the 25th memo? That would be so much easier for us. With that I will make a motion that we keep the public hearing open and POSTPONE TO THE 25th.

>> Mayor Leffingwell: Motion by councilmember morrison, seconded by councilmember spelman. In favor say aye.

>> Aye. Opryland possessed say no, passes on a vote of 5-0 with councilmember tovo and mayor pro tem off the dais. Without objection we stand adjourned at 4:51

[16:28:59]

>> Mayor Leffingwell: Good morning. I'm austin mayor lee leffingwell. A quorum is present so I'll call this austin city council work session to order on tuesday, august 26th, 2014. The time is 9:05 a.M. We're meeting in the boards and commissions room, austin city hall, 301 west second street, austin, texas. The first item on the agenda is preselected agenda items, and I have to say we will not be able to discuss any of the items that were posted on the agenda, the eight items that came out obviously because 72 hours have not elapsed since the posting of those items. The first preselected item is item number 10, pulled by councilmember spelman.

>> Spelman: Can you give me just a moment, mayor? Morning. This is one of a wide variety of

things that you've done to try to reduce costs in the utility, as I understand it, by requiring that people who are subdividing property and need additional lateral to pay for the lateral themselves rather than having us to pay for their lateral will save the utility somewhere between two and four million dollars a year is what it says in the rca. Is that accurate? Do I understand it correctly?

>> Yes. Particularly this is focus understand the urban watershed area where we've had long-standing practices that go back about 15 years where the utility bears the cost of providing service to a first lot that's developed or if a developer is taking that lot and going to a duplex or triplex or a quad, we do all of the work for the service, including the restoration work for the street involving the utility. This change is configured to push development costs into the development side just like we've done with area connection fees, depending on the amount of development I think our estimate can be up to two to four million dollars of cost the utility would bear on this. We'll take these resources that we would normally do for this kind of work and have them do other work for the utility. For example, we've been trying to reduce the amount of contracted work as a part of our budget reductions and our staff would be doing work that we would normally contract out, they would be doing it internally by liberating their time with this change. Our expert is alex flora and she could go into more detail on that.

[16:31:44]

>> Spelman: This is consistent with something this council said a few times before that growth should pay for itself and this should be another example. How many of those lateral do we put in on an average year?

>> Per lot we have numbers for this fiscal year and it's about 46 connections. A connection could be water and/or sewer. The low range is about \$6,000 per connection and the high range can be 7,500. The reason for the variances has also to do with where the property is. If it's in an area where there's high traffic or protected streets, often that work has to be done on overtime outside of normal utility work week.

>> Spelman: So that's a very mayor roadway range between six and 7.5. We don't have races where the lateral costs more or less than that then?

>> I don't have that information with me. We will keep developing -- coupling this late and send it to you this afternoon. Accumulating this data.

>> Spelman: Do we keep it on a case-by-case basis or a fund by fund basis?

>> We've been keeping track on a case-by-case basis.

>> So we have data for 2014. What we're compiling is data for 2013, but our expectation would be that range isn't probably going to change that much.

>> Spelman: Okay. Do you have information in your database on how many of these are subdivided into two's, three's, four's?

>> We do not have that.

>> Spelman: It was a subdivision you put in a lateral as to how much it cost you. My I'll save my concern, I don't want to make it too strong. I think I'll vote for it, but I want to make sure that we've identified what consequences there might be of doing this. If there are ways of providing service to an additional structure without subdivision, then it seems to me what this would do is help developers decide not to subdivide because the subdivision is what used to trigger the

building of the lateral. If they could build another structure, they would have to buy the lateral anyway. It is a subdivision, which is the trigger, is that right?

[16:34:03]

>> Not always. That's part of our concern is often times the owner of the property will ask us to put in these services and no one knows what they're going to be for. Then they sell the land and decide to put on a business and often times we have to go back out and change the services. That's part of our problem is they don't always know what they're going to use it for. The developers know we could get this done cheaper and so they come to us and do that work and then they decide what they'll do with the land.

>> Spelman: How often does that happen? Is it two percent of the time, 10 percent of the time?

>> My staff has told me it happens the majority of the time.

>> Spelman: Okay. So most of the time when we're building a private lateral on to land it's not guided. We don't know what the lateral is for. The owner may or may not know what the lateral is for. It just happens. Often it seems to be just on speculation to increase the price of the land and we're helping to increase the price of the land for them.

>> Yes, we are.

>> Spelman: That tells me all I need to know. Thank you.

>> You're welcome.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: I'm ready to move on.

>> Mayor Leffingwell: Item 40.

>> Morrison: Item 40 is a police department item that says to authorize negotiation and execution of an interlocal agreement between the city through its police department and the texas workforce commission to provide access to texas workforce commission information for criminal investigative purposes. And wife been trying to be very careful about sharing data and making sure that we're using folks' information appropriately, so I wondered if we could just get a fuller explanation about the circumstances and what this is all about.

>> Certainly, good morning, mayor, council. Bryan manly, assistant chief of the austin police department. This is is something our investigators use. It is very beneficial for us in locating individuals. Often times those that are wanted for having committed a crime. They may have a warrant for their arrest or we may want to locate them to question them regarding their involvement in an offense and this database allows us to basically find out where they're collecting their paychecks because normally you will find someone wherever their paychecks are going to. This is an ability for our investigators to go and find out where a person is employed and much more on likely to locate them to be able to investigate them. Interview, whatever is is may take. This is an database that we used, back when I was a detective 20 years ago. This is coming up as a renewal as something we use as an investigative tool.

[16:36:55]

>> Morrison: Okay. I didn't get any of that from the backup.

>> Sorry about that. This is something we're using as a means to locate individuals. It's not something that we're using for reasons really beyond that.

>> Morrison: Maybe I don't understand something about the workforce commission so this is about the individual, where their paycheck is going.

>> Correct. We can get information from them that they're collecting data from employers, so the employers are providing the data and that allows us to find out where individuals are employed.

>> Morrison: I see. I was concerned about the folks that use the workforce commission as a means to help them find a job. And I wanted to make sure we weren't putting up a barrier to people wanting to do that. So how long has this been going on?

>> I notified using it 20 years ago and so we've been using it for quite some time.

>> Morrison: Great. And is that a database that you just access and it goes away or do you pull the data and store the data?

>> We don't store the data, we access it. And so we basically log in, get the information that we need. And then we're back out.

>> Morrison: Great. All right. Thank you very much.

>> Mayor Leffingwell: Any other questions on that item? Item 41 by councilmembers morrison and spelman.

>> Morrison: I had a couple of questions. We had some recommendations that came out and I know you did a lot of work with the community to try and put something together that was going to work well and strengthen our ordinance. And I appreciate that work. And then we did a resolution that said please go forward and bring us an ordinance that implements the recommendations. And so I had a couple of questions about the ordinance and how it lines up with the recommendation. Maybe there was just something that I was reading incorrectly and I could use some help understanding it. It says to move the vehicle off the active traffic plains lanes. When I look at the ordinance it said you can't do it on a public roadway. That seems like two different things.

[16:39:33]

>> I would agree with that and I think we're taking the safer course of action by having individuals pull into a parking lot and out of the roadway. As the ordinance is written, the proposed ordinance would actually require that you leave the roadway and enter a parking lot.

>> Morrison: And the recommendation-- okay. So we need to be clear that that's a difference. The recommendation say it shouldn't apply in a parking lot and then the ordinance itself says it applies in a parking lot for public usage. So can you help us understand?

>> The recommendations actually should have stated that it was to apply in a parking lot. That was one of the significant concerns of the work group is that there's obviously a lot of pedestrian traffic in parking lots, more so than on the traveled roadways. And a driver that's more focused on their phone than the parking lot you can still cause significant injuries hitting a pedestrian even at lower speeds. So the intent of the work group was to include parking lots.

>> Morrison: I'm looking at page five of the recommendations. It says the provisions of this ordinance should not apply to a person who has pulled their vehicle off the active traffic lane, is stopped or is in a parking lot.

>> That should be who is parked in a parking lot. That was the intent of the work group. So that is

-- a very important word was left out of that.

>> Morrison: That's a significant difference.

>> Yes.

>> Morrison: And so looking at the ordinance, it says you can't do it while you're operating a car. So being parked in a parking lot is not operating a car.

>> Correct.

>> Morrison: Okay. Great. And is there an issue about parking garages? I notice there's just a mention of parking lots. Was that discussed?

>> There's no intent to differentiate between a parking lot and a parking garage and seek advice from the law department on whether we would have to spell that out specifically in the proposed ordinance, but the intent of the work group was to include both.

[16:41:39]

>> Morrison: Okay. And is there any issue

-- we're talking about private property now, parking lots, as long as they're accessible for public use. Is there any issue about enforcing this on private property?

>> I would refer back to law, but they were comfortable including it in the proposed ordinance.

>> Morrison: Okay. Actually, back to law, do we have the law didn't here? Could we

-- could I ask about the parking lot versus parking garage? Is that going to be an issue?

>> Thank you. I don't see that to be an issue in terms of it's a verbiage really. It can be cleared up by adding garage with lot and/or garage, but I don't see that to be an issue with the way it's drafted now.

>> Morrison: Okay. I guess I might question like in our land development code if there's a difference between a garage and parking lot we might want to make it consistent.

>> I can look into that.

>> Morrison: So there's no question about that. And then if you could help us understand

-- I know this is the question that folks brought up to me. Some of these things say it's okay.

There's an exception for some things, but really it's crafted in terms of being an affirmative defense to prosecution. Can you explain the difference and why we don't just say it's an exception?

>> Certainly. Why this drafting an affirmative defense means it's something that the driver or defendant would need to raise. So first the state would prove the elements that you were basically illegally using your electronic device while operating a vehicle. Don't have to prove what's list in an affirmative defense. It's up to the defense to bring that up. If something is listed as an exception, the state has to prove at the git-go in their case in chief all of those exceptions. So in drafting it's better to have it as an affirmative defense as opposed to an exception.

>> Morrison: I guess the concern is that are these going to be things that people can actually prove. As a defense. I'm just thinking about workability for folks.

[16:43:51]

>> Yes. In most of these types of traffic cases it's word against word anyway. There's not a whole lot of documents per se in terms of proof, but they certainly have a right to testify and say no, I was actually using it this way and it's one of the affirmative defenses. So just as mostly when the police officer is testifying they're just talking about their experience with the traffic stop. So that's how these traffic offenses go down anyway. They can prove it through their own testimony. Sometimes they might have admissible documents, but they will have that opportunity.

>> Morrison: Okay. And another question on being in an

-- out of an active traffic lane, often active traffic lane, I guess that's something we need to ponder since it wasn't part of the recommendation. Would that be difficult to add in here if we wanted to actually limit it to just allowing them to be off of an active traffic lane as opposed to any public roadway.

>> That could be easily taken care of in the drafting.

>> Morrison: Good. And someone suggested to me, and I guess I just would like my colleagues' input on this, is there had been a suggestion that there would be a public hearing about this beyond just posting it and taking testimony. I don't know if anyone was familiar with that discussion or not.

>> Mayor Leffingwell: I hadn't heard the suggestion, but I think something as far reach as this would merit a public hearing. I wanted to follow up on one of the questions that wasn't answered because the lawyer wasn't here yet and that was enforcement on private property.

>> And so your question is would we be able to extend this to private property?

>> Mayor Leffingwell: My understanding has always been that the police department does not engage in enforcement in parking lots or other private property.

>> So I see there's a piece I can answer and then perhaps the chief can answer whether or not a.P.D. Would enforce it.

[16:45:53]

>> Mayor Leffingwell: He referred that question to the lawyer.

>> I can answer the legal piece of this because this is a city ordinance and not a state law, we can't extend it to the parking lots that are technically private property under the law. Now, whether or not a.P.D. Would pursue on a private property

--

>> if the ordinance goes through in its current fashion and its law as advised, we will do enforce it as we do violations of handicapped parking and things of sort. We would be more than happy to enforce it if it's included in the ordinance.

>> Mayor Leffingwell: I'm not advocating for that. I just think if it is, it would be very confusing to a lot of people who say I'm in so and so's parking lot here, I can pick up my phone and make a call.

>> Understood.

>> Mayor Leffingwell: Expect?

>> Spelman: [Inaudible]. The parking lot, there would be no harm in saying I guess a parking lot or garage available for public usage. So although it is private property, the h.E.B. Parking lot is owned by h.E.B., A lot of people are on it. You have spaces which are reserved for people who

are disabled and who can enforce that stuff now. And very occasionally I see a police officer in that parking lot. So that's

-- from a legal point of view you can't enforce and from a practical point of view at least some of the time you're out there.

>> Yes.

>> Spelman: What does it mean to operate a motor vehicle?

>> That's a great question because again there's definitions that occur under state law, but not necessarily under the city ordinance. When something doesn't exist in the city ordinance a subject is left with the standard dictionary definition. Or their own application of that word. And I've seen judges taking anything from the vehicle needs to be moving to key in the ignition and the vehicle is on and maybe parked. So we've got a range there of how this might be applied.

[16:47:54]

>> Spelman: I've got my key on accessory and I'm running my air conditioning but the car isn't moving or started, I can't move the car, it would be operating technically.

>> What most judges or lawyers in this field use is the

-- the analogy to d.W.I., Where you can be convicted of d.W.I. Without your vehicle even moving as long as it's on.

>> Spelman: Okay. So I'm drunk as a skunk, I sit in my car, I turn on the key, I realize I'm too drunk to actually move this car, but I'm still d.W.I.

>> Yes.

>> Spelman: I've never done this, by the way, but I could.

>> It's a hypothetical, I understand. It's called actual physical control of your vehicle. That you have demonstrated an intent to drive your vehicle. This is how it's used in d.W.I. So for example, in d.W.I. If someone wants to make sure they're not, in quote, in actual physical control, they need to turn off the car and take the keys out of the ignition.

>> Spelman: That would be probably the way the average judge would interpret operating.

>> Yes. Most of the legal articles or other treatises that talk about this go back to, well, let's look at d.W.I., How is operating applied in that world?

>> Spelman: Okay. Is there a value in restating that in this ordinance so we know what we're dealing with and we don't have to have interpretation issues?

>> Yes. There's always value in having clear definitions that help the public know what is required of them under the law. So that is something that could be added to be clear. We would just need to know what definition of operating the council is wanting into this.

>> Spelman: Right now what we've got is no definition of operating other than whatever is in the statute for d.W.I. It seems to me that I didn't know what that was. I'm probably

-- those of us who are lawyers, that would be brother Riley would know what it was, rest of us probably wouldn't. It seems to me that the average person wouldn't understand it either. We probably ought to restate it. What does it mean to operate a bicycle?

>> That gets a little more

-- because it's not an engine involved, because it's a piece of the engine that differentiate the definition of operating a vehicle.

[16:50:01]

>> I carry my engine with me on my bicycle.

>> True. Again, it would be difficult, unless we want to define it, a judge would probably define it as the bicycle is in molestation.

>> Spelman: Okay. So I straddle my bicycle, I'm not moving, I can talk on the phone. But as soon as I put my foot on the pedal and start moving I have to hang up.

>> Yes, because there's not an engine involved.

>> Spelman: I can't think of how to operate a bicycle other than to move it, but it seems to me that some clever defense lawyer would find some way around this. So we probably ought to specify that one too, it seems to me. And I'm comfortable with the moving bicycle versus stationary bicycle as being the trigger here. But we ought to so state. There is two ways of having hands-free operation, one of which I think is probably what the taskforce and the police department had in mind and that's using bluetooth or some other means of having you speak into a microphone attached to your car and the speakers of your car are conveying the messages. The other way to do it is to attach headphones to your phone and put them on your ears. It seems to me that there's at least an argument could be made that the headphones would be isolating and then that might have an effect on your ability to drive. Is that something which anybody has been talking about?

>> In the work group we focused on your initial statement and that was using anything that is hands-free, wireless with the bluetooth being one of the providers. We are not excluding the ability, however, to go hands-free with the headset on, although that definitely impairs someone's ability to pay attention to what's going on in the roadway. That was not the intent of the group to restrict that, and that is currently allowable. We did discuss it, albeit briefly, but the intent was not to direct what type of wireless, hand-held operation.

[16:52:05]

>> So there's some discussion

-- for example, you may not hear sirens or horns as readily if you had headphones on as otherwise. But that wasn't judged to be a big enough impairment that we needed to restrict it.

>> Correct. What we discussed more so was the need of being hands free. That was what the group focused on. To be sure I understand, parking lot the car is not moving, therefore at least by some definitions it is not operating. Maybe the car is turned on and it is technically operating, but nobody sees me. I dial my number. I've got bluetooth so it's now dials. I pull out into traffic and I'm driving.

>> That would be fine if you're saying the speaker on your phone, that would be fine. So it does not have to be hands free from start to finish. It will have to be hands free for the duration of the period when the car is operating.

>> That's correct. I think from a compliance perspective if you give the person the ability to stop their vehicle, make the call and then go back in motion you're much more likely to get compliance than if you try and restrict it altogether.

>> Spelman: I think this was the most controversial issue and I want to raise it here because we

need to have a discussion about it. Some people maintain that having your hand on the phone and talking on the phone while driving with one hand or sometimes zero hands if you've got a shift is obviously going to be an impairment. I'm on with that for sure, but if you are stopped at a stoplight, not being able to dial your phone because you haven't got a bluetooth dial strikes some people and initially struck me as being not particularly an impairment as long as you're just dialing the phone while you're stopped at a stoplight. I know this is something that there was some controversy about. What's your position on that?

[16:54:09]

>> I think the work group, the predominant belief was that it should be restricted across the board. But it was not consensus. It was also not a consensus among the public safety commission, the ones who brought this forward and have been involved in this as well. Fringe a compliance perspective, if you have motorists that know that ultimately they're going to stop at a stoplight at some point in austin traffic and they may be able to make that phone call at that point, they may hold off and be more compliant with the law than if they know that they're going to be restricted for the next 35 minutes until they get to their destination. So that's part of the discussion that needs to be had. At the end of the day it's really up to the will of the council based on what I think the citizens' input would be on that. But again, I think that there's merit to the ability that enhanced compliance if people know they'll have that opportunity. We discuss the frequency that we get crashes on on our major thoroughfares, i-35, mopac, when traffic comes to a stand still, the need for individuals maybe to send a quick text or make a call to someone to tell them to pick up a family member or something along those lines. I think these are the areas that have to be discussed.

>> Spelman: My friend kim's argument was that we should legislate against things which are unsafe or unhealthy, we should not legislate among things that may have the potential to be merely annoying. The potential is I'm dialing the phone and I might miss a couple of beats when there's space in front of me when the traffic light turns green, that's annoying, but not unsafe.

>> There is a state law already that covers what you're talking about, it's called impeding traffic. If somebody is holding up vehicles when they're dialing their phone they could be cited for impeding traffic. There is a law for that.

>> Spelman: From a practical point of view, if we chose not to make it illegal not to dial your phone while stopped at the stoplight, would that be a practical problem from an enforcement point of view?

[16:56:16]

>> From the enforcement side, no, officer trujillo would be able to determine that the -- the officer would be able to determine that the officer has stopped their vehicle and could have the device in their hand and it would be very noticeable if they started moving that vehicle with the device still in hand.

>> Spelman: You can see what's going on in the vehicle, they're dialing, that's object. They're starting to move and they've still got the phone in their hand, that's not okay. You could tell.

>> Under the proposal yes, if you were to amend what's proposed right now and make that

allowable, then yes, that would from an enforcement perspective, we can work with that.

>> Spelman: Thank you, sir.

>> Mayor Leffingwell: I have a follow-up on councilmember spelman's line of questioning. First of all I wanted to pose this situation, you're in a private parking lot in your car so the engine is running and you have the air conditioner, but you're not in the driver's seat. And that's kind of, as strange as these arguments can get. It seems to me echoing councilmember spelman, the purpose of the law is to provide for safety, to increase safety. And safety is not going to be impeded if the vehicle is not moving. So why don't we just simplify the thing and say if your car or other vehicle is moving in traffic-- you're not bound by this restriction to not use a hand-held device. Otherwise you can. To me that makes common sense. It achieves the objective without getting into all these strange arguments and definitions of what it is and what it isn't. It's kind of overreach to me.

>> That's one way that it can be drafted to address that concern, yes.

>> Mayor Leffingwell: I would like to hear what the rationale was for the public safety committee to recommend that you couldn't use a device even if you're at a dead stop.

>> Mr. Mayor, maybe I misspoke as I left the word stopped out of that document. My intent to convey to you from our group was when you are in a parking lot if you are stopped you can use that device. That's exactly

-- what we were trying to handle with the proposal was that if your vehicle was moving in the parking lot, then we don't want you on a device because there's a lot of pedestrian traffic.

[16:58:36]

>> Mayor Leffingwell: How about if you're stopped at a traffic light and some of them can be quite long. There's nothing unsafe about doing that if your car is stopped.

>> And as I was just saying, mr. Mayor, that was the point of contention in the group, the recommendation that went to you all from the work group was the predominant belief on the group, but not unanimous nor unanimous amongst the public safety commission.

>> Mayor Leffingwell: Okay. Councilmember morrison.

>> Morrison: I want to chime in that I think if somebody is in a parking lot, in a parking space with the key in the ignition so that the air conditioning can be on, making a phone call that that needs to not be against the law in this town.

>> And that was the intent of the work group. If we need to word it as such that was the exact intent that you can sit in the parking lot with your vehicle on. I guess the key phrase, and mr. Mayor you've hit on it as well as moving, if the vehicle is not moving then we're not concerned. Maybe the easiest way to capture is if the vehicle is in park. That's what we're looking for is the exact that the vehicle not be in motion when you're using the device.

>> Morrison: Until it's not in park if it's stopped at a traffic light.

>> Mayor Leffingwell: You can put it in park.

>> Morrison: You can. I'm not sure that would be visible.

>> Mayor Leffingwell: Might have to put some video recorders in the cars to ascertain that.

[Laughter]

>> Morrison: I do think we need to be real clear on this because the reason we're here looking at this again is because there were concerns about clarity of the previous one and what was

really intended. So we really should probably conceptually decide where we want to head and get the language to study.

>> Mayor Leffingwell: Should it be in park or parking brake set, either one?

>> I do have some more questions. Councilmember martinez.

>> Martinez: Is there a definition in the law for the term stop or stopped?

>> Under the state law yes. So we could use those definitions.

>> Martinez: So add clarification to the proposed ordinance you would simply insert the word stopped or stop, and that would contemplate red lights, that would contemplate parking lots, that would contemplate anywhere, as well as the vehicle was at a stop. Apparently there is state statute that defines stop.

[17:00:49]

>> Spelman: But you can't stop in the middle of traffic because you're impeding traffic and you've got another violation.

>> Spelman: But that's the red light scenario is what I'm referring to.

>> Spelman: What I'm saying is we don't need to legislate against the announce of somebody stopped for too long because we've already got something else. So stopped could just mean stopped, I agree with you.

>> Mayor Leffingwell: We want to be careful here. We don't want to damage our reputation by using common sense. [Laughter]

>> Morrison: Speaking of common sense, I did want to go back to the definition of operating a bicycle because I heard two things. One, you're either standing there with the bike or two, you're in motion riding the bike. What about walking the bike. Is that operating a bicycle? We should decide.

>> I'll look at that and tell you that I think you all realize that during the discussions pedestrians got involved in the discussion at one point, it came up as a question to the taskforce. We were looking at distracted driving, not distracted walking. That's an issue solely of itself. The intent of this work group was bicyclists riding their bicycle and texting. I think if we go along the lines we're talking here we simply put it that a bicycle in motion is what we're trying to prohibit an individual using a device with. That's where the danger exists. If you are stopped along the curb, stopped at a stop sign, then we don't see the safety concern there as we would if you were moving.

>> Morrison: You said bicycle in motion. Motion, peddling it, not walking it.

>> We might need to get a little more specific.

>> Morrison: I think we do.

>> Not walking a bicycle, correct.

>> Because printly in the world of municipal court, the defenses are divided into two, moving violations and non-moving vices and presently all cycling offenses come from the non-moving violation. This is the first time that we've tried to make it more in line with what we're expecting the driver of a vehicle to do. So there would be

-- yes, so there could be some confusion if that's not definitely spelled out.

[17:02:54]

>> Morrison: Okay. And I don't think we intend to capture bicyclists that are walking their bikes.

>> That's not the intent. In all fairness I want to make sure that I point out and I believe you have it in your backup documents that we did get feedback from one of the city's other commissions that deals with the pedestrian issues and the bicycle issues and they were not in favor of including bicycles at this time. I believe you have the backup documentation on that. What it really boiled down to is it has not been proven to be a greater threat. Just want to point that out. Our recommendation on the work group is still to include them.

>> Morrison: I have another question. Councilmember Riley, did you have one? And just to be really nitty-gritty, when I'm making a phone call with my hands-free mode I actually have to operate a little button on my steering wheel that says I want to do a speed dial. And when I want to hang up I'll have to click that with my thumb. Now, I don't think anybody is going to see me do that, but based on what I just talked about, we don't intend to catch that, do we?

>> In the definition section in this draft here it's manipulating your portable electronic device. You would have to actually be touching the device and not necessarily the bluetooth button that's installed in your vehicle.

>> Morrison: It's technically hands-free, it's just thumb usage. And speaking of looking at pedestrians and using their hands-free, -- their personal devices, we might want to make a law against walking through city hall and texting because that can be dangerous. That's been proven. [Laughter]

>> Mayor Leffingwell: Are you referring to a specific incident there?

>> Morrison: Yes. [Laughter]

>> Morrison: I can say I've seen almost collisions, near collisions in city hall, people walking into each other.

[17:04:55]

>> Mayor Leffingwell: Okay. Thank you. Councilmember Tovo.

>> Tovo: Two quick ones. Just to clarify, and I think you've gone over this a couple of times. There was some concern about operating a gps

-- systems that are built into the dashboard and those are not covered by this. This is strictly talking about portable.

>> Correct.

>> Tovo: My second question is can you help me understand why two-way radios were excluded? It would seem to me the same kind of mechanism as holding a portable phone.

>> There was a concern that we may severely inhibit some of the businesses and their ability to conduct business with their drivers that may be delivering and all that and the need to communicate back and forth via the two-way radio systems. So that's where that recommendation came from is that we're obviously trying to improve the safety to the best of our abilities without impeding those individuals' abilities to conduct their business. So that's where it came from.

>> Tovo: I think I need some help understanding which which businesses -- are we talking about drivers?

>> It could be delivery drivers to the downtown bar and restaurants with delivery trucks out front, ice trucks. A lot of different types of deliveries. An ability for them to communicate. Cab drivers with radios in their vehicles, things like that is what we're trying to not interfere with.

>> Tovo: It seems with the technology changing more and more people are using phones and I think some would argue that they're using them to communicate for their business and that we're impeding it with this ordinance. I understand and support the safety reasons for doing it, but again I'm really not understanding why a two-way radio should be an exception if what we're trying to do is keep people from holding things. What are the businesses that you feel that you were hearing from?

[17:07:03]

>> It's not that a specific business reached out to us.

>> Tovo: A kind of business.

>> Deliveries. Whether it be, again, beverage companies, food service companies that are delivering to the restaurants, cab companies, any of those businesses. So obviously this is the division of the council if you choose not to go this route, but what came out of the actual work group is we afford them afford them opportunity to use those to conduct their business.

>> Tovo: Are their hands free options for some of those businesses?

>> I would imagine if they switched over to cellular service and provided all their drivers with cellular devices, hands-free cellular devices that they could accomplish the same. Yes.

>> Tovo: Thanks. No, I'm sorry, I have one more question. Can you help me understand the amateur radio, services activities that might be going on when someone is driving.

>> Part of that came from our own ctec and homeland security division. That during natural emergencies, disasters, you get a lot of ham radio operators and amateur radio operators that are very helpful in getting information out and communicating. And they actually go through some pretty significant training in how to operate those devices. So they were very concerned if we included them in proposed ordinance that that would impact their ability to operate to their fullest potential during emergency services.

>> Tovo: Because they're operating them while they're driving?

>> Correct.

>> Tovo: Okay. Thanks.

>> Mayor Leffingwell: Okay. We'll go to next item pulled by councilmember morrison, item 51.

>> Morrison: Thank you. This is a purchasing item. And I really pulled it just because I wanted to highlight the facebook

-- do we have someone from

-- highlight the fact that

-- do we have someone from machining here? Purchasing here? Okay. Oh, right, this is an ae item too. I really wanted to highlight the fact that this is the first use of a policy that we adopted last time. As you know when we're doing purchasing there are certain circumstances when we have the ability to go with a higher cost or a little bit higher if it's a local entity. And previously when we wanted to do that, we've always had to pull it as a council and ask to explicitly make that change. We adopted a policy on the seventh, asking the city manager to please use his discretion and consider actually going straightforward with a recommendation,

the local one. So

-- that's what's happening here, as I understand it. The language is a little different to capture that. So I wanted to check in with staff, make sure that this is a smooth operation and comfortable for the recommendation that came in.

[17:10:11]

>> Elaine hart, cfo. I think this is our first timeout and we're trying it out, but it looks like it's going to work. And we may refine it as we go on if we find any issues with it, but we're still working on the process, but this is our first one.

>> Morrison: As posting notes, we really have an obligation to evaluate it's the best combination of price plus additional economic development opportunities for the city created by the contract award, including the employment of residents of the city and increased tax revenue for the city so that's what you look at. And I guess one question is will purchasing be changing their standard operating procedures or rules that they work by to actually capture this to make sure that it gets institutionalized.

>> We currently have a local preference policy. There's a section in our policy manual for that and certainly we will update it to reflect the policy change that the council made. It hasn't been done yet, but we will do that to make sure that the instructions to the city departments and staff are accurate in the new process we have. We just haven't done that yet.

>> Morrison: I appreciate that and I think that we all sort of

-- I think everybody strives to find ways that we can help promote local businesses and so it's great to find one small step to be able to take it. I appreciate your work on that.

>> Mayor Leffingwell: Anything else? That brings us to item 64. Councilmember spelman.

>> Spelman: You're asking for a consultant who will be providing assistance in getting the information office moving. And in getting people to innovate presumably and also providing software to help keep track of what's going on in different places. How much of this is software and how much of this is consulting?

[17:12:21]

>> Good morning. I'm carry o'connor, the city's chief innovation officer. And the open innovations software comes with a package of professional services. The full suite of professional services is about half of the cost. There is a lot of methodology around the use of this software to open up and track ideas. Some people call them contests, campaigns, competitions, can challenges. And it's all around how you frame and then incentivize the call for ideas. So that you can bring those ideas fully through to the implementation. The consulting is how we have that frame and the ideas. Sometimes you don't need money. Sometimes you might need some award or it depends upon what subject matter you're dealing with. Once you have determined that design, then how do you configure the software to appropriately facilitate the discipline process by which you bring the ideas through to implementation.

>> Spelman: So this is more complicated than the suggestion box of old.

>> Correct.

>> Spelman: Effectively that's what it is. People have ideas, give us your ideas. We're providing

incentives, we're framing this in a more complicated way than just put your idea in the box and maybe you will get a check at the end of the month or something like that. What evidence do we have that this approach or this consultant, bright idea, is going to be more effective than stuff we could find ourselves.

>> This company has existed for between 10 and 15 years. We use them in a previous -- in my previous job in order to engage employees on particular campaigns around particular topics. So the difference between an open suggestion box and, say, we're looking for ideas, you know, around how can we better implement our green, you know, infrastructure, for example. You would pick a frame that you're trying to solve for and solicit ideas on that frame because what happens is you have all of the implementation resources prepared to amateur the ideas, take them through to implementation. The company offers this to probably about 250 private sector clients. They have also done this for the city of san francisco. They've done it for the country of ireland. They've done it also at the federal level where I used to work.

[17:15:12]

>> Spelman: The department of state?

>> The department of state.

>> Spelman: Is there a way of demonstrating that before, after comparison or some other means of showing that there are more or better ideas that come out of this technology than otherwise.

>> What you are able to track are the met treks of the health of the community. You can measure the number of votes, comments. You can measure the outcomes because you can take these ideas, the highest votes. You bring them over to the proposal drafting phase. You can vet those. You can capture met treks on these interactions and measure them over time. The first time you do this you get a baseline and over time you can measure both quantitatively and qualitatively how the ideas are shaping up over time. Approximately there are other benefits of the software by opening up ideas for a larger group to see. You're enabling a virtual space for collaboration where sometimes it's hard to get the people in the same place at the same time. You're solving for sometime and space, which are some of the innovation and ideas. One of the ways I'm looking at implementing this out of the box is giving the consulting services and the software to 311. They've recently implemented a new app and they're going to have to be sifting through which features they might enhance next or where they might take that capability next. They're going to be receiving a lot of ideas from the public and from within their own employee group. So if we can help them shape that campaign, make a season for sifting through the appropriate enhancements to that software, it will enable them to better triage where to go next and what to solve for next. And then bring those ideas all the way through to implementation.

[17:17:14]

>> Spelman: Okay. Help me with that case because it will make the whole thing more tangible to me. 311, the public wants to get involved because they'll be using the app. The 311 operators, who else is going to have to be involved in this?

>> Well, initially I'm hoping to grow the capability because framing the challenge is difficult and configuring the software and using the software. So the first thing I want to do is just enable 311 to use this on their own. If you have a bunch of telephone operators sitting in a room, they don't have the ability to get together and brainstorm. So having this asynchronous collaboration, put your idea here, have others play with it and then come back to it, when that is successful, we have our lessons learned, then we may say let's open it up to 311 plus other departments in which they can collaborate together. When they've been successful in a three or four week campaign, now we open it up to, say, 311 plus a group like open austin. Open austin helped vet the app before launch. They helped prototype it. And so to be able to collaborate in one space, one virtual space between a central texan group and 311 would be really useful. I want to grow that capability in a maturity model to know what we're doing. I don't want to be clumsy or sloppy handling people's ideas because we're protective of our ideas and I want to treat them properly.

>> We get more of them when people believe they'll be hand downstream.

>> And we want to learn how to handle themselves.

>> In a minimum you're talking about 311 operators first talking to one another and accessing a website or where are it's going to be. See what other people are

-- put forth these ideas and being able to comment on them. Other managers that are affected by 311 that have to deal with 311 calls would be able to see the same thing. We can get a lot of people involved in this.

[17:19:25]

>> When you think about helping the innovation office expand its reach, in the past five months I've spent spoken to somewhere between 500 and a thousand people between all my meetings. If I were to try to access those people and arc straight their ideas it would take me more than another five months. But if I can open up this software to a maximum of 5,000 within the first year I can make sure that I have the right expertise focusing on an issue of importance to a project champion and we don't all have to be in the same place at the same time. So we'll start with 311 but we can grow other pockets up to a limit of 5,000 people in the first year. Once we grow the capability, the company does offer an unlimited license that we could add on if we feel that it merits.

>> Spelman: My first reaction in looking at this item was to focus on the software. And \$160,000 for software strikes me as a very large amount of money, particularly since what it looked like at least on its face was just a database. We've got lots of access to databases in this city, which are much, much cheaper than the \$80,000 that you're paying for here. The combination of the consulting and the dressed up database, which would presumably be a little bit easier to use than access or something like that, I can see a value in that. But I think what I need more information on and we should probably take this offline is your general approach to how we'll get ideas from people, how we'll help people sift through these ideas and see whether or not they're working. I know there are a lot of ways of going about that, but in choosing this vendor and choosing this approach we're actually choosing or you're choosing and we're helping you choose a way of going about innovation in this city. And it's a lot more important than just the \$160,000 for this particular item.

>> And there is an entire toolkit and infrastructure that I'm putting in place. This is but one piece. It is the most important piece because it enables that widespread collaboration and it helps solve for the space and time issue. We are also investing in facilitation methods, we're investing in business modeling and project design and we can talk about those at some other point, but this is part of a larger vision. It's only one slice. It just happens to be the most powerful tool to expand the reach of the office. And when -- in my previous job we expanded it to 25,000 users every month, which enabled people to highlight what projects were important. It helped us engage them and get insights and perspectives that we didn't have that fed into what would make something viable. It enabled a project owner to think about what would incentivize the right talent to be involved and that design work is part of what opens up possibility.

[17:22:30]

>> Spelman: Most of the good ideas are the people who actually have to implement those ideas anyway. They don't come from managers because they're too far away from what actually has to happen.

>> They come from all of us. There's a viability piece in making the ideas resonate that managers can help us solve for because they know how strategic business decisions are made and what resonates. What I had like to say is we have aspirations and then reality on the ground and the distance between them can be filled with a lot of things that can trip us up in order to implement successful innovation projects. And so I'm teeing up the innovation office as an internal consultancy in order to help solve for those things that can trip us up. It's about solving for implementation and make sure you have a descend innovation process, that you have the right talent, skills and technique at the table. That you've considered all method for exploring what we're solving for and what they are ideas are and then figuring out what's available. And the software, there aren't very many software providers that hit all of those angles. Anybody can create an open suggestion box, but enabling that discipline process from the whole exploration phase through to implementation phase, there's probably only three major software providers, and this one was the most nimble and adaptable and has the longest experience on the market.

>> Spelman: We ought to have a conversation later on about viability because it seems to me -- we're probably on the same page, but it seems to me that you don't know what other idea -- whether an idea is viable or not sometimes until you try it. We ought to err on the side of experimentation at least within practical limits. Sounds like you're at least nodding your head and agreeing with me.

>> Absolutely. And if you imagine somebody coming up with a prototype, just a sketch on paper, they can put that in this idea. One thing is that it enables you, there's a mobile app where you can draw or sketch your idea and submit that as an idea. So what this enables you to prototype and fail fast on ideas before you've spent a lot of money in the experimentation phase.

[17:24:35]

[One moment, please, for change in captioners] a lot of misunderstanding of what it is and what it is not. It is very direct language but I think some of the intent and purpose that this has needs to be laid out. First of all, I think it applies to the ordinance city wide. The entire city, public and private. Is that correct?

[17:26:53]

>> I believe so, yes, sir.

>> That is the intent in what we assume, so that would mean bars, large and small, restaurants, offices. How about offices that are open to the public versus offices that are not open to the public? They just have rest rooms for employees. Would that apply there?

>> I don't have that information. Hopefully there is somebody else here.

>> Mayor Leffingwell: I think there are a lot of unanswered questions and I know the resolution contemplates a process in engaging stakeholders and then it says including and not limited to and it points out groups but the groups that will most be affected are not spelled out in this list and I suspect these business people, people who operate offices, people who operate bars and restaurants, a lot of them are small and mainly the small as soon as are going to be affected. Nows drugstore is going to be affected by this, for example, where I often have lunch. All of these

-- I think it would be much more comforting

-- first of all, I think it's kind of such a dramatic change in the way we do business that we would be better served, as we detective on an earlier item, to have a city wide discussion about it and giving people an opportunity to provide input. But I definitely think, at the very least, we ought to spell out some of the commercial groups who are going to be affected by this, and there is not as soon as

-- for example, it points out the austin gay and lesbian chamber of commerce, but it doesn't point out the greater austin chamber of commerce, the hispanic chamber of commerce, black chamber of commerce, et cetera, asian-american chamber of commerce, so, definitely all of these commercial enterprises should be included in the discussion as well as the public at large around frankly I would like to see a much more

-- a much larger process take place before we go ahead and start engaging stakeholders in process amendments and that's what we hear back.

[17:29:22]

>> Mayor.

>> Mayor Leffingwell: City manager.

>> Ott: I am assuming your questions are directed towards the sponsors of this item?

>> Mayor Leffingwell: I know who the sponsors are but I have directed the questions to staff but they are free to answer or comment on this.

>> Spelman: I appreciate your questions.

>> Mayor Leffingwell: Council member spelman.

>> Spelman: And recognizes that the be it resolved part of this resolution represents people who are already in favor of it. We are not talking about the people who are in favor in the first

place. We need to talk to people who are affected by it. You've given us a list and I can think of a couple of other people on the list and I believe that can change the resolution without changing the basic idea at all.

>> Mayor Leffingwell: Council member riley.

>> Riley: Let me say I wholeheartedly agree that we have a value in having a broad, civic conversation about this and I will be happy to modify the resolution with the stakeholders that you see here. What we are talking about here is not subjecting anyone to additional expense in terms of adding any kind of equipment to any kind of facilities. What we are talking about is existing single occupancy rest rooms

-- it is really a matter of changing signage. On our own floor where we have single occupancy restaurants in the own hall. It would be a matter, instead of designating as soon as for men and as soon as for women, it would be a matter of identifying them as rest rooms.

>> Mayor Leffingwell: I understand there is a lot of details to work out, but would you contemplate some kind of standard signage, or would any gender neutral signage be okay?

>> Riley: I don't expect that we

--

>> Mayor Leffingwell: That it say "rest room" or somebody else could say "lavatory," or "loo," or whatever.

>> Toy lets or

--

[17:31:23]

>> Mayor Leffingwell: You don't contemplate it being that specific, all though it could come out of the process.

>> Riley: I am sure everybody is free to raise recommendations they like through the process but I do foot expect to be dictating terminology instead of simply making clear that we don't generally want to see gender specific sign only on single occupancy rest rooms.

>> Mayor Leffingwell: How about offices that are not open to the public?

>> Riley: That would be certainly as soon as of the things that could be discussed in the course of this process.

>> Mayor Leffingwell: So scope is as soon as of the things?

>> Riley: Sure, absolutely.

>> Mayor Leffingwell: That's kind of wide open at this point, would you say?

>> Riley: Well, I think the intent is fairly straightforward, but, sure, it's wide open in being able to offer anything in this process that they'd like.

>> Mayor Leffingwell: I think there should be a lot of public discussion about this because what I am hearing now in the media is a lot of stuff that potentially, as I understand it, is inaccurate. That's a lack of understanding, and I think a lot of public education is going to be necessary on something like this. So any other comments?

>> Riley: And, mayor, I understand that change is hard and that we are talking about something that we see in many different businesses and I can understand disorienting if some haven't come across it. In other ways, this is very basic and straightforward. Many of us have single occupancy rest rooms in our own homes and my guess is most don't take the trouble to specify

they are limited to as soon as gender or the other and we are really talking about changing the same concept to the public places.

[17:33:23]

>> Mayor Leffingwell: I understand. I don't have any signage at all in my rest room at all, by the way.

>> Riley: That is progressive of you.

>> Mayor Leffingwell: I just have to know where it is. Down the hall and to the right. [Laughter] okay. Those are my comments. Any others? Go next to item 95, pulled by council member spelman.

>> Spelman: I understand there is a more recent version of the resolution than the as soon as which was first posted which no longer says the standard for air conditioning will be 75-degrees. I appreciate that. And the only question I've got for the sponsors is whether or not you anticipate that the final standard will be 1 degree standard which will apply to all city buildings, or whether it might depend on the building, or even on the time of day of that building?

>> Morrison: Mayor, if I may.

>> Mayor Leffingwell: Council member morrison.

>> Morrison: So it's the standard that we are citing here, the texas facilities commissions standard is taken as a default and then it's foreseen to work through the different buildings, the different times of day, depending

-- and that there could be and would be expected to be differences based on their operational characteristics. For instance, if there are folks that work at night in the building, you don't want to be hiking up the building to 85-degrees or something.

>> Spelman: And there are some that are inefficient to cool that if you move it to 85-degrees, it will take a couple of hours to make it to a working temperature in the morning.

>> Morrison: Yes, and I think that would certainly be considered in an operational aspect that needs to be taken into account.

>> Spelman: Thank you.

>> Mayor Leffingwell: So

-- and I have another question. There are hundreds of thermostats in all of these buildings. How do you

-- what is the plan? Some kind of remote control? Are we going to have the thermostat police, or what?

>> Morrison: I would certainly refer to the visibility of how that is all controlled by our building services experts. I know we have worked with them before and they managed that in all of the buildings now.

[17:35:40]

>> Mayor Leffingwell: City manager.

>> Ott: I am sure there is a way that we can figure that out that will probably be

-- we will probably have to do it in the context of a, an administrative policy for those that are responsible for the guidance of the specific various city facilities. We do appreciate the

modified language, though. I was listening to council member morrison before, that allows us some prerogative and latitude in terms of practical circumstances, from time to time, may not allow us to stay within that standard and I appreciate that.

>> Morrison: Absolutely. For me, this is us adopting a policy that says we can do better. It's going to save the taxpayers money because it's not going to cost as much to cool our buildings and it's

-- it's good for energy conservation all around, so as a policy matter, it's

-- it's something that I think we can do better.

>> Mayor Leffingwell: I would say there are other costs to consider, such as loss of productivity. I think council member spelman mentioned, what if someone

-- you leave on friday afternoon, leave your office on friday afternoon and then you have to set to a nonoccupied setting, and then you decide you need to come in and do some work on saturday or sunday, you basically are not going to be able to do that because it's going to take hours for it to cool back to operating temperature. So I think it seems like most of this is going to be up to the discretion of individual offices. Council member tovo.

>> Tovo: I want to say I appreciate council member morrison bringing this forward. I was happy to be a cosponsor. When I served on the aisd facility task force and we did research on this and there are municipalities and school districts around the country that have adopted policies. The as soon as I recall were 5-degrees up or down depending on the season and they did it as an energy savings measure and as a financial strategy, and so I have failed to find some of those articles to make it, but I will continue to look for them and make them available to my colleagues if they are interested. Some of the estimates on what

-- what different municipalities or school districts were able to save were really compelling in terms of the percentage off of their utility budget, so it is good for all kinds of reasons.

[17:38:21]

>> Mayor Leffingwell: I will just say, it's unfortunate this has probably come about as a result of some personal disagreements and I would say that thank goodness, in another couple of days summer be over and we don't have to bother with this until next summer where basically none of us are going to be here, or at least not more than as soon as two. Certainly I won't have to worry about it, so ... Council member morrison.

>> Morrison: A couple of things, first, a small piece of information I discovered recently that my thermostat in my office doesn't control the phenomenology in my office. It is controlled somewhere up in the big blue sky so there is central control of certain rooms, anyways here at city hall. And really I do think that this is a fundamental policy issue of trying to, you know, extend our reach in saving money in energy conservation and that's precisely how I see it.

>> Mayor Leffingwell: Thank goodness the summer is over. We will go to the next item.

[Laughter]

>> Mayor Leffingwell: Huh?

>> Tovo: I say it stays pretty cool here year round.

>> Mayor Leffingwell: So maybe we will have another standard for winter months, who knows.

Item 95 pulled by council member

-- no, that's it. Item 149, pulled by council member morrison.

>> Morrison: Thank you, mayor. Do we have someone from the parks department here? Just to tease this up while we are waiting. I saw parks people here before so they are perhaps scurrying in. This is a hearing that we considered approving before, before holly shores for festival beach and fiesta garden which covers approximately 99-acres. We had this in front of us

-- I already got started, sarah, you can catch your breath.

[17:40:54]

>> Okay.

>> Morrison: We had this in front of us a couple of times and the last time we postponed it, we postponed it because we were actually waiting for the master plan, and I looked in backup, I didn't see anything beyond the pictures that we had before and we had gotten a draft of the master plan back in may and so we were

-- I think it was council member martinez that said let's wait for the plan to be here before we approve it. I was wondering if you could give us a status.

>> Council member, we

-- it is part of the backup. We just checked this morning, so the pull plan is part of your backup.

>> Morrison: Okay. I saw two slides. Are there two slides

-- two slides things. I didn't see any texts. All I saw were slides. Am I missing something?

>> You should

-- I believe you are, because the full plan is attached, so it's a big file. We just checked this morning and it is part of your backup.

>> Morrison: Okay, because I sure looked over the weekend and I could have just been blind, but

--

>> let me do this, to be on the safe side, we will go back and double check, and if there are problems, we will send you a link to it, send it to all council members if you do have it. We do have it, and it was a link, I believe, to the backup

-- to the material but sometimes those things don't download and we will send you a direct link.

>> Morrison: Okay, so this is like 100 pages or something like that and it's all of the text describing

--

>> it's everything.

>> Morrison: Because we were saying there were nice pictures and conceptual things out there but what we didn't have was the actual plan to know exactly what was in the plan.

>> This is the actual plan.

>> Morrison: Either I missed it or there was a problem downloading when you sent us the link.

>> We already sent it.

>> Morrison: Thank you very much.

>> Martinez: Mayor.

>> Mayor Leffingwell: Council member martinez.

>> Martinez: Sarah, beliefly, if you could

-- briefly
-- there were subtle differences of opinion and major differences of opinion. Where are we with the major differences of opinion? And have we been able to achieve any more consensus since the last time it came before us? Last time you sent us a red line version of

--

[17:43:08]

>> sure. Council member, as of the
-- the meeting that we held in july, we are still
-- the staff is holding to the staff's recommendations and east town lake, in particular, among some other stakeholders, you know, have agreed and disagreed with some of those recommendations.
>> So basically that last document you sent us were still at this stage so that each side has taken those positions.
>> Council member, chris of the parks department and of the documents I sent you, there were about a dozen or so items. I believe we reached consensus on the majority of items and two we haven't done.
>> Martinez: Which were what.
>> Mayor Leffingwell: The food forest and central bridge.
>> Martinez: Could you
--
>> the food items and the central forest.
>> Martinez: So could you send those to us that you believe this is consensus?
>> Yes.
>> Morrison: Mayor.
>> Mayor Leffingwell: Council member morrison.
>> Morrison: And as soon as add thing when it was postponed, it was postponed for a time certain of 7:00 p.M. Is that correct?
>> [Indiscernible].
>> Morrison: Okay. Good.
>> Mayor Leffingwell: Okay. We
-- we will now go to our briefing on restore rundberg. ." And I want to ask, has the request been made for the 7:00 p.M. Time certain?
>> Morrison: Mayor, I believe the motion in may was to postpone until 7:00 p.M. Until it was already adopted. I guess this is a question for
--
>> Mayor Leffingwell: Can we verify that? Okay.

[17:45:09]

>> [Indiscernible - no mic].
>> Mayor Leffingwell: Go ahead, chief.
>> Good morning, mayor and council. Today we are excited to give you an update on the

"restore rundberg" which is a project and we are as soon as of six that got this grant. It is a million dollar grant that is really about innovative problem solving, innovative solutions to areas suffering from some policy challenges, and as soon as of the things we are excited about this project is it is a multiagency, multidisciplinary private/public partnership to try to leverage these partnerships and relationships and community engagement to not just make a difference in the two-year grant cycle but actually moving forward to actually sustain the good outcomes that we hope to achieve by the end of the two-year cycle. We have partnered with the community. We have partnered with sister agencies in the city and we have partnered with nongovernmental agencies as well and most importantly, we have partnered with the university of texas that has allowed smart people that are helping guide us through this process. So this morning we are excited to be here and chief mandly and amanda baker will make comments as well.

[17:47:15]

>> Good morning, brian manly, assistant chief, austin police department. Let me get the clicker. As the chief alluded to, I think as soon as of the probably highlights of this grant is this is an innovation grant. This is not money that the police department have acquired to put cops on dots for a certain period of time and when we remove the resources we expected areas of return. We are looking for innovative solutions to help us and I know from the grantor's perspective we come up with innovative solutions for the community that face the same challenges. I think it was of great benefit that austin was awarded this grant to work in this neighborhood, it is also a sign of the great challenges this neighborhood faces because we were as soon as of the very few cities that were chosen and so therefore it really highlights the level of

-- of challenge that we have in this neighborhood. Today our plan is to give you a little bit of the background information on this grant. We are going to talk about our efforts in the area of community engagement. Our project partners, the revitalization team that has been formed, and the successes of that team and the expectations of that team going forward. Talk about what our focus is, the law enforcement agency partnered in this project is. First year outcomes. Plans for the future. Next steps. We will walk you through that. First of all, when we look at the background information, we've highlighted the challenges and I think everybody is aware of the challenges we've had in the rundberg neighborhood but to put numbers to it, the rundberg neighborhood encompasses 2% of the city's geography, of the geographical square miles. It encompasses 4.5% of the city's population. Within that part of austin resides 11% of our violent crime, 7% of our property crime, and 9% of our property 2 crimes, so to go over the numbers again. We have 2% of the city's geography is located in this area, 4 and a half percent of the city's population resides here, but yet they experience 11% of the violent crime, 7% of the property crime, and then 9% of the overall part 2 crimes. So part 2 crimes are lower level offenses. Part 1 crimes, by us standards for reporting purposes to the federal government are going to be changes like homicide, murder, robbery, rape, burglary, things along those lines. Your part two crimes may be lower, may will offenses like graffiti

-- I am sorry

-- simple assaults, things like that, obviously. It's how we classify crimes for reporting to the

federal government. So, again, looking at this neighborhood and why -- why we chose this neighborhood is the as soon as that fit the needs -- the needs are shown up top. We were looking for an area that had concentrated criminal activity, concentrated poverty, high unemployment. Without reading all of them to you, disinvestment, limited infrastructure, all of the criteria that this grant required. This was the as soon as neighborhood in austin that fit all of those. We also saw it as a neighborhood based on the 2010 census. Approximately 30% of the neighborhood was living below the poverty level and aisd reported to us 95% of the use that attended the six schools were considered economically disadvantaged and we believe we could go in with a program like this and make differences not only in short term but long-term change sustainable through community involvement. Our efforts at community engagement, prior to getting this grant, we actually held preapplication meetings with community leadership getting not only support but letters of support that helped us in actually winning the award of this grant. On the slide, you will see kind of an example of the different types of meetings we held. These numbers were actually from a few months ago. We had 60 weekly meetings with neighborhood groups, 50 neighborhood watch meetings. Again, I won't read them all to you, but I think there is some of importance. We had key stakeholder meetings. We brought in other groups that could help. The rental owners, apartment managers. Again, this was an opportunity to try and bring in all of the individuals that have a stake in this community but also is going to help us make a difference in this community. So the level of engagement that we are having on this grant is like none that I have ever been involved with in the department and I think that will help us lead towards an innovative solution that will last when the federal grant dollars run out and that we will be able to continue the improvements that we have made. Some of the efforts that the engagement

-- again, the success is going to be based on the community's involvement and the community's assistance, and so we truly are trying to get as much community involvement as possible. We have done web-based outreach, which you will see on here. We used city of austin webpage, citizen observer, next door, red, all of the tools that we have being a technical hub that we are, we have a lot of opportunities to get messages out there with technology. We also recognize that a large part of the community we are trying to reach may not have ready access to these types of technology, so we have also gone out and handed out over 15,000 pamphlets in both english and spanish, again, in an attempt to reach those individuals, let them know what we are trying to do in this community, pull them into the process, get them at meetings, so, again, these are all of the steps. We have worked with aisd. We had them call the parents through the systems they have in place, notifying parents when we have meetings in the neighborhood. Again, trying to draw the community into the meetings to get their involvement. We have done work with radio stations, televisions and the neighborhood newsletters as well. Again, all in an attempt to get the maximum level of participation. An example of the different types of meetings that we hold, again, we want regular involvement, so you will see that we have weekly meetings every tuesday night from 6 to 7:00 p.M. At the ymca that is located right in the middle of this area. There have been a great partner on this project. What this allows for every week between the hours of 6 and 7, residents citizens know they can go to this location and have representatives of the police department to meet with them to talk about any concerns or issues they have identified. Our vision for this program, as this expands and the community

becomes more involved, is to get other city agencies to partner with us in this, if we can get code compliance and some of the others that have a large steric in this neighborhood, again, would be a one stop shop where people can go at a known time to look at getting assistance from the various city services. We also have team planning meetings, the second thursday of every month and that's for the revitalization team which we will talk about here in a minute. And then there is also community meetings, the fourth thursday of every month. So, again, on average we are getting between 30 and 50 people at these meetings. It is a hard to reach community at times but we are pleased where we are at and we are trying to continue and try to do more. The restore rundberg revitalization team is going to be really the key to the long-term success of this program. The purpose of this team to increase partnerships and alliances in the rundberg area, leveraging social and economic capital to build a stronger and safer community. So that's the stated purpose of this group. I will tell you when we first got this grant and putting together revitalization team, we brought in a team of five individuals. The design was to have five individuals on the revitalization team to carry out this program. We realized very early on the scope and magnitude of this project was going to far exceed the ability to be as encompassing what we need it to be by limiting the membership to 5. So as you see here we have 14 different positions that represent different various stakeholder groups. They represent the three neighborhood groups that have neighborhood plans. They represent city departments, and then the

-- the education community as well from aisd, so what we try to do is pull together a cross-section of all of the service organizations and service providers that have a stake in this community or that can help us with the long-term strategies for improving quality of life, reducing crime in a manner that is sustainable beyond the life of this grant. This group acts as advisory capacity to the department. Again, this is not an effort for the department to go in and tell the neighborhood what solutions they need. It really is an opportunity to work with the community, for them to tell us what they want and then to work with them towards those goals, those ends, and at the end of this presentation, we will be highlighting our focus areas and what we have done in those areas to this point. I guess on the outset, I should have mentioned, there is also a very strong research component to this and the university of texas at austin is our research partner. Again, I know I mentioned that this is more than putting cops on dots and things we have done in the past and putting on overnight officers. This -- overtime officers and this is to get to the solution for the root cause and so this will solve the cause not the symptoms and so we have had a university of texas research partner and we will have a presentation presented by him for the work they have done for us on this project. Dr. Springer.

[17:56:51]

>> Good morning. My name is david springer. I am a professor in the school of social work and beginning yesterday, director of the rgk center for philanthropy and public affairs at u.T. And I have done research since '97 and this work for number of years. You have heard there is strong community engagement and partnering with this, and this is true as the research team as well. When they were drafting recommendations to submit to the department of justice, this plot demonstrates that we solicited input from the community so we were combining research with

the specific needs of the community. We met with neighborhood teams, community stakeholders and then we will share our draft recommendations over the period of 3-4 months at various town hall meetings so that when we submitted our recommendations to the department of justice they really had been vetted through the community and doj blessed those recommendations and the implementation plan in march of 2014. The frame work for our work is grounded in the work of sherman. For those of you who are familiar with this area of research, it is similar to the sarah model and essentially what we are doing is a million dollars only goes so far so we are targeting our concentration on hotspots of crime. We will test those methods over time to see if what we are doing is working and we will track our efforts so if it's not working, we can do adjustments. If it's working, we will do more of that. So there is a continual feedback loop in realtime that the research team is partnering with the community and the police department so we can monitor our efforts and know if we are on the right path or not. We

-- we looked at crime data for the past 7 years. Going back to 2007. And identified roughly 7 hotspots of crime in the rundberg area. We

-- we chose 3 hotspots to focus on for purposes of the grant activity. There is as soon as hotspot that corresponds with each of the three existing neighborhood teams in the rundberg area. And the hotspots have in common a variety of

[17:59:08]

characteristics: Large open fields, a lot of prostitution, a lot of open drug deals. High risk youth living in the area. Physical disorder and social disorder and a large number of homeless residents living in the area as well. So in these three hotspots, we've made recommendations to apd and to the community on what to do and we will talk more about that in a few minutes.

The three hotspots that are outlined in red account for 12% of the crime

-- 21% in the rundberg area and 12 and a half percent of crime in the city. So they account for not disproportionate part of the city but the area as well and we are using the hotspots to see if the efforts in the identified hotspots prove to be effective. Some of the hotspots that we do not select for a variety of reasons, as soon as of them is a wal-mart and accounts for

-- a kroger vehicle is as soon as of the reasons we see the hotspot. We close not to select that as soon as. It wasn't congruent with the purpose of the grant. The perpetrators of crime and the victims of crime in the rundberg area are primarily young males of color. The perpetrators of crime, almost 92% are male, 84% mr. People of color, and the victims of crime, 80% are male and 84% of the victims are the people of the color. And we

-- there are so many things that we potentially could have done. We selected to focus on five core areas. First is persistent crime. The second is the physical and social disorder across the three hotspots. There is a very heavy emphasis, as you have heard, on community engagement, which we

-- which includes the cultural and linguistic barriers that come with the residents that live in the rundberg area. We are focusing heavily on the community's relationship with the police, so, in fact, if we are on the streets conducting neighborhood surveys with residents to get their sense of their feelings of safety and levels of trust with the police and we will monitor to see how that changes over time. There is overarching emphasis across the three hotspots on high risk youth.

Particularly we will focus on school based and community based intervention efforts in the rundberg area and also prevention effort. And to reach out to that population and the work has already begun.

[18:01:42]

>> Thank you, dr. Springer. What you see here is just a different representation of the three neighborhoods that we are focusing on. This kind of gives you an ariel view. You can see each as soon as encompasses really just a handful of city blocks, and to highlight the point that dr. Springer just made within these very three small geographical areas, 12 and a half percent of the city's crime occurs and so this really is a very targeted effort to get at the heart of the issue, and really try and make an impact in these three areas. So far our first year outcomes as we have been at this, we have completed our planning year, which has been pretty

-- a pretty large undertaking. This is a significant project with a lot of community members that want to be involved. They are glad that this project is here and they want to work with us on it, so it's been a significant effort to be as inclusive as we can. We have also had reporting requirements back to the doj. We had to come up with a plan, submit it to the doj and get them to approve it, to say that we are actually complying with what their expectations were of this being an innovation grant, that they wanted to see new ideas and not just as I said before, cops on dots. We established the revitalization team. Again, early efforts thought it would be a team of 5 and enultimately a team of 14, a

-- and ultimately a team of 14, a very diverse group that have an interest here. We also increased neighborhood cohesion. We have seen the different neighborhood contact teams contacting each other and working together without the police department being present. We've seen the contact teams reach out to other city departments like code compliance without a police department even being involved and making those relationships so what we are hoping to see as far as the plan for sustainability with the revitalization with the effort is taking place right now and that gives us confidence when this grant ends, although we will still be there, that this team that has been put in place and forming relationships and working together will continue the great work they have done and will continue to recognize the success that we want to see in this neighborhood. And then what we also have done is identified key priorities for the revitalization team. An important point there, as I mentioned earlier, it says we identified them. This is a team approach. This is really addressing the issues that the community has brought to us. And so what we will look at now is we will look at the different priorities. The

-- the presentation actually says the

-- that we are going to talk about the four key priorities. I can tell you that there is already a fifth priority added to this project and there is a sixth under discussion right now, so we continue to see this grow and then we continue to see the community working with us and identifying these areas. The first area that we looked at is the revitalization of four key properties. And these are properties that were brought to our attention by the residents of these neighborhoods. You see the properties listed here without reading them to you but these are four specific areas within these

-- these three prime locations that needed some attention. The community wanted to start in

these areas. What I will say as an early success, you see the pictures up there. That's actually before the showplace lanes, before and after, when we went in and did significant cleanup. Community members were present and helped with the clean up and taking ownership of the neighborhood and the city stepped up and you as a council, mayor, will probably remember -- I believe it was august 7

-- you purchased a plot of land near powell for a city park and that was something identified by the "restore rundberg" group and the teams of something that was needed in the area. So I think the work they have done in conjunction with the work already being done by city half, I think, helped

-- city staff I think helped push this forward and give a neighborhood park in this area to offer kids alternative places to go. A second priority that the community has brought forward is they would like the development of a hybrid community services, kind of a as soon as-stop shop. We' a 1 stop shop and the community center has done something where they have the community development and they want the see that as well as senior services and gardening as an opportunity to do and along with neighborhood and social services and so there is a center that you are probably well aware of on montopolis, the old va clinic, I believe it was, that was turned into a 1 stop shop for services and that's something that this community would like to see replicated in their neighborhood, something they have been working on with the group. Our third priority is after school programs for the kids that

-- that

-- maybe they are latchkey kids, coming home to an empty house or they don't have the opportunity to be involved in other after school activities, so what we are doing is working with the middle and high school counselors to define what that need is, and then we are looking to match the students that are in need along with some of the assistance that is out there. We actually already had success in bringing kids in to afterschool programs under scholarship programs that the families were

-- they were not aware these opportunities were out there. So through these relationships that we've built, we have been able to bring kids into programs that otherwise would not have happened and that's something that we want to see continue in this neighborhood. Along these same lines, back in september of last year, this group went out and did kind of a take your neighborhood community march and may marched from barrington elementary school to the gus garcia center and you can see the attendance at this march. We had a lot of people come out but what was interesting about this is a group of young men joined the march and this was a group of exgang members and they started what is called the kin street bible ministry and they got out of the gang and were doing good for themselves and started a bible study and they came out and met with the officers during this event through this partnership and utilizing the gus garcia rec center and we have given them a place to hold the bible study because the group was growing so large they were having a hard time housing it. And this group has now become as soon as of the major contributing groups to this overall effort. I understand they have been at almost every

-- every community meeting that we've had or community event where we have done neighborhood cleanups and things like that, so this is as soon as example we want to highlight today of really what the end purpose, the end game is here. We have an opportunity to make a change for as soon as of the most challenged neighborhoods in austin and we are seeing early

successes, and we believe through the teams that have been formed and the community's partnership, that we will continue to see opportunities like this. The fourth priority that we are looking at now is the accountability for housing and property code violations. We've got a lot of issues in this neighborhood. We've got a lot of absentee landlords, individuals from other states that own properties in this neighborhood that are in states of disrepair that really need some attention and so through partnering and working with the code compliance group, we have seen a lot of work in this neighborhood in improving the conditions and the quality of life for the residents. I mentioned earlier that although the presentation mentioned four priorities, we had already included a fifth, and this was something that came to light during the work of the program and in the discussions with the community, is the challenges with the homeless intervention and prostitution diverse. And

-- diversion, and, again, these issues are impacting this neighborhood to a significant level and they are impacting the quality of life as well, so you see some of the neighborhoods cleanup efforts that have taken place along these lines as well. What we see as our next steps is the hiring of a community engagement specialist

-- and this is currently in process, and this is going to be somebody that will help us continue to work with the community and to engage the community beyond the abilities that we are already doing in this neighborhood with our drs and the police officers that work in this area. You will see a mobile walking beat. As soon as of the things that we have actually done is we are assigning officers to work a walking beat in this neighborhood three days a week. We are taking officers that work in our district rep program for as soon as day and our medtac program as soon as day and as soon as day working overtime for the grant and putting the officers on a walking beat, not for enforcement, but for meet and greet. This is to go out and shake the hands of the community members and to shake the hands of the business owners, and form those relationships that, again, will provide for the success of this program going forward. Since april of this year, we've had over 5,000 contacts and these are not enforcement contacts. These are the shaking the hands, the meeting and the greeting, and so this program is proven very effective. Although it is three days a week for 6 hours at a time, it's not a huge at this point, but we have had 0 violent crimes occur during the hours

-- the 6-hour blocks three days a week when this team is out there. So, again, we know it's making a difference and to that end, what we have done internally trying to do the best with the resources we have had, we have identified six positions in the department that we are going to transfer up to the rundberg neighborhood and we are making a permanent walking beat up there because we see the effects that we have been able to have with just doing this on a day to day-to-day basis, so we want the push forward with this and see if this will continue to make strong gains in this area. Some of the other areas, obviously, the apartment and landlord coalition. We are working directly with the apartments in this area, especially up in the gaylewoods and north gate neighborhoods and all of that, making sure they are aware of the resources we have and working with them to combat the crime, making sure their apartment complexes are safe as possible with lighting and other opportunities there. The marketplace concept, we have talked about that, that we are, as soon as night a week,

-- 1 night a week we are available as a community as a police department and we want to see if we are available for the city and that's listed on the store front, if you look down the slide, that's to look for war on the other hand this project. We are looking at the juvenile justice

programming, we have \$127 million put aside on this grant for juvenile programs and we are about to put R.F.P.S out there for proposals for groups to come out and propose what they will do with working at kids, after-school programs and that kind of thing for at risk youth and we will put that portion of the grant towards. It will be summer programs, after school programs, things like that, and then obviously we are going to continue with our data selection, our research and assessment and all of that as we move forward in this grant, so really, in wrapping it up, we

-- we

-- we have seen early successes, we are very pleased with where this program has gone to date. We have had excellent participation and

-- and partnership with the community. Our research partners at the University of Texas has done some really good work for us as well and we look forward to seeing not only what we do in the next year but I think the litmus test will be what we do five years from now and show what we have done here is sustainable. Thank you.

[18:13:58]

>> Cole: Mayor.

>> Mayor Leffingwell: Mayor pro tem Cole.

>> Cole: I want to applaud you for all of your efforts in this area. We know that it is a high need area and that you guys have spent a lot of time out there and also to congratulate you on the grant that you've received. I just have a couple of questions for you. You said that the Rundberg area was recommended by AISC because it had 95% economically disadvantaged. Do you have any idea what that means, economically disadvantaged? Is it 30% below MFI? Can you give us any type of

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>> I don't know if we have their guidelines for what they conclude. I don't have those with me here.

>> Tovo: This may be free and reduced lunch.

>> Cole: Reduced. [Multiple voices]

>> Tovo: I thought that's how they measured it, students on free and reduced lunch.

>> Cole: So what Council member Tovo said the students probably on free and reduced lunch and really low poverty levels. I appreciate that work that y'all are doing. You talked a little bit about the rental property owners. I know that we spent quite a bit of time as a Council looking at code compliance, especially in this area and it looks like you have achieved some access with the landowners. Can you tell us a little bit about that?

>> Sure, and if I may, I would like to introduce Commander Donald Baker. He is the day to day manager of the program and he is the one leading the efforts in the area and then you see us looking back here, I have Lieutenant McClure and Karen Fitzgerald as well that are more heavily involved so the day to day, if you want to talk about the success of the landlords, Donald.

>> I am Commander Donald Baker and what we talked with the district reps of the coalition, right now 14 representatives, and apartment and landowner managers to come together to discuss of what they can do physically with their environment and the residents that are there because we have a large transitory population, usually immigrant based and so it's how can we

provide for their needs that come together. And the group that we are seeing the successes with, some of the landowners, where they have cleaned up the areas, they have improved the living structures, without having to increase the rent, also. And that's part of the goal. So some of those successes are

-- are spilling over to other apartment managers. We have had a couple that have asked if they can, excuse me, join the group.

[18:16:27]

>> Cole: So that doesn't take up any of the grant money? They actually opt to do that on their own?

>> Yes, ma'am. The design of the grant money

-- what we were trying to achieve is sustainability without using grant dollars because we know once the grant funding is gone, a lot of times programs cease to exist. We want this program to continue on five, 10 years down the road. So we are trying to find capacity that's already there and build upon that. And show the successes that we have

-- because I have one landowner that has some of the duplexes there that has been able to show that some of the minor improvements he's made with putting up some fences, cleaning up, encouraging the residents to participate in their own living environment has been successful. That he is retaining his residents. He said it has been successful without having to look for other dollars coming from other agencies.

>> It's kind of like the

-- if I can just add

-- the property managers and the owners have realized that the broken windows type of theory, if you take care of your property, if I take care of my residents, I will keep those residents, and if I take care of their living space, they are going to take more pride and take care of my property. So it's almost like a cyclical benefit to everyone involved. I think we are getting more and more buy in from property managers and property owners that see when they clean up, fix up, people remain and people take more ownership, their tenants and their own well -- in their own well-being and in taking care of the property.

>> Cole: I am glad to hear that, that's coming as a result of this program. It's a natural result. I wanted to ask you. You gave us a definition or kind of reiterated what were violent crimes, property crimes and lower level crimes but I was not sure how that correlated to the hotspots that you pointed out. How do you define a "hotspot" in terms of those types of crime?

[18:18:29]

>> When we initially ran the hotspot analysis, the whole map lights up red because we included part one and part two crimes. So we went back and looked at the data and realized we had to run it initially with part one crimes to come up with discernable boundaries that gave us hotspots. When we added part 2 crimes back into the hotspots, there were no significant differences in the shot spots and they remained stable for the past 7 years. The hotspot map you saw up on the slide was part 1 crimes only. When you add part 2 crimes in, it doesn't change the hotspots.

>> Cole: Okay, so that's mostly violent crimes and property crimes?

>> That's correct.

>> Cole: Okay. You mentioned that there were two additional priorities that had come up that you were looking at and then I thought you actually listed the fifth one but didn't list the sixth one, and I was going to ask you, the fifth one was the homeless intervention and prostitution diversion. So what is the sixth one?

>> We just revealed earlier today.

>> The sixth one that the team is talking about, we are going to have a public meeting this thursday, at 7:00 p.M., It's on affordable housing, looking at the issue within the rundberg rent area.

>> Cole: Okay. Now, have you gotten any insight of how long this grant will last or when we can apply for another one or any information on that?

>> The grant was for a two-year period and that's why the focus was on sustainability and why so much went on focusing on the revitalization team because when the money goes out we don't want this to end, not like when other officers we take out from overtime, that we slip back to where we were, so it is the heavy revitalization team, they are the core going forward for this.

>> And if I could just add, I think what this is really focused on is public input. It's people that live there. They have the greatest interest in continuing the success and the trajectory to better outcomes. And what we have set up is

-- is a system of processes where people have committed to participating, and our deepest hope is it will continue beyond the grant and I really believe, because they are seeing these positive outcomes. Think about it, 5,000 contacts between the law enforcement, a very concentrated area

-- that was 5,000

-- that wasn't about writing a ticket or taking somebody to jail or responding to an emergency.

It was a consensual, hello, meet and greet and building a relationship. Not just building a relationship with the police department. It's building a relationship with the neighbors and it's the foremost priority we talk about, and that's the people we serve. I am really hopeful beyond the grant period that all of these teams, meetings, these standing meetings that people have not lost interest in, that it will continue. And I think that's what is going to be the interest on

-- I don't know what your sense is doc, or don.

[18:21:44]

>> I agree and one of the things we will specifically track through the neighborhood surveys in collecting data, see if things like social cohesion increase and levels of trust with the police increase, to the extent that neighborhoods feel like they have a sense of control over the environment, we want to track that and we are going to

-- and I suspect that we are already seeing promising results and those things will continue to improve.

>> Cole: Thank you, mayor.

>> Mayor Leffingwell: Council member tovo.

>> Tovo: Thanks very much and I see a lot of the community members here or a good number

of them so thank you for all of your work on this. I think it's very exciting. I have a couple of questions. First of all, what other city departments are involved and actively engaged in these meetings s?

>> We had a strong presence with code compliance as some of the priorities that are intimately involved with code compliance. They will show up. City legal has participated, we have resource recovery, the corporate pio involved with some of the initial meetings. We also had the fire department that came out and they helped us with some of our distribution of material. We ended up doing a brochure that had one part was for "restore rundberg," and the other one was on fire safety and joined up with their resources. I have not had a lack of involvement. If I ask, usually somebody is there or we have someone comb knocking on our doors. There is a couple of grants that have been floated out of ideas that looked like it might be advantageous in the "restore rundberg" area and so they have come and made presentations, so I have been very pleased that we ask for assistance, and the other city departments are willing to help out and they are even coming to us.

>> Tovo: I think that's great and I am glad to hear that. I was looking back the information and the earlier work that was done and I was looking at past problem properties and for a safer austin and safer rundberg and this was done by the u.T. Sch entrepreneurship rundberg clinic and one thing they came up with is there is more disciplinary collaborations under the city departments and primarily talking about problem properties, criminal nuisance, abatement and the importance of having the police department, code, and the city attorney's office involved. So I am glad that piece is working really well. How about some other departments that I think would be really important to earn gauge? Maybe you have? Health and human services and the parks department? And I want to talk about the parks department for a minute. I hate to be a broken record on this subject, but, you know, no sooner had the crime

-- a greater crime commission talked at one of their sessions a couple of years ago about the work the police department was doing in really working, this is before you got the grant, but in looking at the work that had been done in the rundberg area to try to reduce crime, we noted that on one of the lists of programs that were being contemplated to have is there was a team program aimed at, well, teens

-- a teen program that was looked at the gus garcia rec center and so I think if you are looking at opportunities for kids and possible ways for them to be involved, that the parks department be involved in in conversation and frankly, the libraries, too, because there are at least two libraries, I think, within the "restore rundberg" area, I think, or are there just one? Walnut creek.

[18:25:17]

[One moment, please, for change in captioners]

>> what you're going to see because 30% are under 17 that this next portion is is going to really be about what to keep kids out of trouble and steer them in the right path and parks and rec play a huge part of that.

>> Tovo: Have they been involved in these conversations in an active and engaged way?

>> Yes, ma'am. We've had several event at gus garcia rec center and kelly has been very helpful. Anything that we've asked from parks they've opened up. We actually did a-- last week we

partnered up with hart elementary. There's a program where they're giving elementary kids bikes and we worked with the nonprofit bone shakers. They held training for the kids. Anybody that wanted to come up free training during the morning hours there at gus garcia rec center. So we cordoned off some of the parking lot and they're able to use that and the trails. So anything that we have asked, parks have been involved. They opened up their building for us for public meetings and also the kent street ministry to do the outreach to other youth who were at high risk. They opened up to have some facility to be able to open up and talk to them.

[18:27:34]

>> Tovo: I think that's great and I'm glad they're involved, but rather than just using them as a facility to locate programmings, I think they should be actively involved in the conversations about how we

-- how they and you figure out what kind of programming is going to best appeal to youth in this area because

-- and that's something we've talked about as a council and I know we brought together some providers outside the city and within the city at our youth summit to talk about how do we leverage our really scarce resources for kids. So to the extent that you can, I would just encourage the city manager to encourage all of these departments that are serving youth to really work together on this.

>> We'll reach out to

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>> Tovo: And they make choices about the programs that they're doing. How can you all make sure that you're working

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>> and the other component is scouts. We have really revitalized the waterloo district of scouting, which really focuses on inner city youth and in east austin we have almost 50 kids, boys, that are involved in partnership with the school district. And I know that we may not have already started, but I don't want to speak out of turn. We may have already started another waterloo troop in that area to give these kids

-- it's actually paid for by the boy scout of america with professional scout leaders to give these boys and

-- another thing about girl scouts, we need to think about them as well. Maybe they're not ready, but that's coming as well, which is huge.

>> Tovo: Great. And I know the parks department has started the roving leaders program. I don't know whether it's

-- I don't know whether this is one of the spots they've selected. It may be. But that is particularly aimed at high risk youth. So I guess I do have some additional questions about what your plans are for after school. You talked about after school and that there's a line item forworn 28,000 to do an rfp and I guess I'd like more information about this is a more appropriate time. I'm sure my colleagues have additional questions and I unfortunately have a dental appointment I will have to leave early for. But let's see... I think the idea about having the group of property managers pull together some very youthful, are you doing also educational briefings more generally for landlords and property owners? In looking at criminal

nuisance abatement that other cities have deployed, I saw that some of them do kind of general sessions for any interested property owners and they focus on some of the issues you were talking about. What are some of the things that property owners can do to reduce crime through lighting

-- I've forgotten what the term is. My colleague bill spelman probably remembers what it is. The reduction of crime

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[18:30:38]

>> crime prevention through environmental design?

>> Tovo: That's exactly it. Are you doing more general education sessions. I think it's a great perspective to make sure whatever you're doing is going to continue through the life of this grant and open up that kind of information to the general property owners, landlord population would seem really critical.

>> That's a program that we do through our district representatives. And frank wilson is one of the district reps that's pulled the apartment coalition together. We also do it for individual homeowners and we'll do some of the meetings through their neighborhood association, put out that this is something, a service that we do. And we'll do a site visit and they'll actually walk around and look at the property and we did this just recently for a new property management company that came in and bought a large complex. And they walked through and just did an analysis and then took pictures and everything and then did a presentation and pointed out here are areas of concern that you can make physical improvements. So we'll do it with larger complex to the individual residential homeowner. And we're going to continue. We do that through the district rep program.

>> And councilmember, this is citywide.

>> Tovo: I guess I was thinking about more general information. It looked like some cities actually have sort of a monthly informational session about reduction of crime through building environmental design or whatever you said. That's a way to hit a bunch of people all at once and some people may feel uncomfortable about having a representative from the city and it sounds like from the police department come to their complex and review it. I'm thinking it's a less risky environment for people to go into a room off their site and listen to strategies.

>> But the good news is, councilmember, that if we identify a problem but data, we're very data driven and when we identify a problem starting with the property, the first step of an eventual abatement is trying to get them to help us help them. And so when we identify problem properties, whether it's a duplex or just a single-family residence or a big complex, they will get a visit with the police department and we will have the discussion of what -- some of the suggestions of the things think need to do. So I understand what you're saying is that we should have just general meetings, but at times you invite people, they don't come, there's nothing worse than putting toying a meeting and nobody shows up. But I want you to be assured that we do keep track on problem properties and with data we can identify them sooner rather than later now. Probably better now at doing that, pinpoint those problem properties. They do get visits from us. So

-- but we do extend them, those invitations on a regular basis to the property owners. That's

about 14 of them are big property owners are now participating. But nonetheless I think we do a much better job of pinpointing problem properties on the front end and they get those visits suggestions. And if they don't help us help them we utilize the code compliance and our partners in the law office to use the judicial system and process to abate the property.

[18:33:47]

>> Tovo: Thanks. Since you mentioned problem properties I'll make that my last question. How can we submit additional questions? Can we do it through the regular council q and a process? I was a little surprised when we got our code compliance memo reporting back on the repeat offenders ordinance and the results it that we only have eight registered repeat offenders. So that's really a question that my staff are in the process of asking code compliance because that doesn't seem to jibe with the numbers that we had. We had a very lengthy discussion about the various rental registration models. There was a lot of work done by the u.T. Law clinic proposing that rundberg especially be an area where there's a more proactive rental registration. That wasn't the direction we went in. I would be interested and I wonder if you know how many of those eight repeat reporters are in the restore rundberg area.

>> I turn to laura pressley. The priority number four

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>> well, I think it's time to reevaluate

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>> what they're doing, the group for priority four, has really spent a lot of time. They did a public information request, took the information, put the data, really analyzed it. Once they had their information we had a meeting last week with code compliance and brought those properties that were of concern that were at a higher level and asked code compliance where are we with the process, and it was also a nice education moment for everybody there. How does a process work? How does somebody get to that on the 522 and when does it actually trigger the registration and process? So code compliance was very open in that meeting, but we've made some progress, but yes, this is what priority number four, the group is really pushing on and watching and making sure that we are all coming together and working as interdepartmental so we can see some progress.

[18:35:48]

>> It and I see this grant as an empowerment grant. It's a grant that is together we're learning -- community is learning that together when they are engaged, they are empowered. And when they build the relationships with one another, with the police department, with all the entities, whether they're ngo's or governmental agencies, they're empowered and they're ultimately the ones that droll their own destiny is the community. It's exciting when I've gone through half a dozen of the meetings and I've got people there who don't speak a word of english, they're not stopping from coming to the meetings. They're engaged and empowered and what I believe we will see at the end of the grant cycle is a community who has taught itself and learned how to gain and secure better outcomes for their future. It's really exciting. We're hopeful in the next few years this would be a case study to see how we could replicate it throughout the city. Think

about it, it's very little money. A million dollars in the scheme of things a drop in the bucket. Nonetheless we're seeing through engagement, the empowerment of a community and I think ultimately you will see a revitalized rundberg.

>> And if I may, I would be very remiss if I didn't add that the neighborhood planning and review department has been very heavily involved. We also resource recoveries, helped especially with our homeless initiative, priority number five working together, and one of my staff let me know that the library managers were very involved at the initial setting up and helping us out and asking if there's anything we can do or they could do.

>> Mayor Leffingwell: Councilmember spelman.

>> Spelman: Thank you, mayor. As at least commissioner lauderdale and chief manly know, I could talk for hours on this subject, and I won't. Like many of you I suspect you're like councilmember tovo and preferring a root canal to going to a city council meeting. So that won't happen. I'll keep it really short. I'm really, really happy that you did this and you're doing so well on this. It's exactly the sort of thing that in my bright of hopes, hoped that the austin police department would do more of. You're doing it exactly the way I hoped you would do it and I'm thrilled you're doing it. In particular I'm thrilled that next time I see larry sherman I can scoff at him because target test and track leave out an important part which is included in sera, which is included in plan check acdu, it is what they do in japan manned what the mounties do and it is a missing t between target and test, which you guys instinctively added, which is think. After you've targeted an area, well, gosh, what do we need to do to this area? Let's talk to our partners and think through what needs to be done in this area. You didn't just jump in and do something. You talked to people, you looked at what you were dealing with and you thought about it in advance before you started doing something. One of the nice things about that part of the sera model or missing piece of the target test track model is sometimes you have to go back and do that again, you miss something the first time, you need to engage your partners again. What did we miss? What else do we need to do? Now we've done that, well, what else is there? You're on the right track for doing that because you have the structure in place to be able to return to that group and have that group identify things that didn't work out the right the first time around and so on. All that is in place. I'm really happy about that and I'm going to give larry hell the next time I talk to him and he richly deserves it. The only other thing that I will take the time to mention now is to remind all of us that this is a demonstration project by the department of justice and the point behind a demonstration project is primarily to show this can be done. What you've done is show that this can be done in t and identify some things that other police departments in similar settings will be able to do to solve similar kinds of problems. And I presume one of the things that dr. Springer is doing is keeping track of the index of crimes and other calls for service to verify that in fact we're actually making an impact on that. Dr. Springer, can you identify whether or not we've had an impact yet or is it too soon to tell?

[18:40:11]

>> It looks promising so far, but it's too soon to tell. We're looking at 911 calls, calls for service, and we're going to keep track on that over time.

>> Spelman: You're also doing a community survey so we can survey social cohesion.

>> We'll look at social cohesion, relationship with the police and so on.

>> Spelman: Consistent with the demonstration project idea, chief, I'm really happy that you're thinking this might be a model for future efforts going forward. I know that rundberg was not the only part of town that you could do this sort of thing to. There are probably two or three others on the cutting room floor that didn't rise to the top, but are really good places to do similar kinds of stuff. I wonder if after you're done with this, after you come to a conclusion after what it worked, what worked particularly well, what you might want to do particularly differently next time, how soon do you think you would turn to another neighborhood and say let's try this in montopolis or in south austin somewhere?

>> We're already doing something in the dmi initiative that started about a year and a half ago with the da's office. I think between the dmi, now I'm looking at the next spot where in talking to had the da where can we start our next project. I think when we're finished with this one, come back, look at lessons learned and find the next spot. I'm hopeful that again what we're doing, there's beta testing, a model that will have an impact that with six bodies it on that walking beat, for example, no violent crimes while they're deployed deployed. That's huge. That's a huge, huge thing to be able to talk about. So you will be seeing in a short order, I believe, a replication of this type of comprehensive process. Again, a million dollars sounds like a lot of money, but at the end of the day it's a drop in the bucket. Luckily we live in a city where we can really have an impact by just looking at half a dozen neighborhoods, half a dozen small geographical errors and have one heck of an impact. I think you will see that sooner rather than later along with our dmi drug market initiative that we have going on at 12th and chicon.

[18:42:26]

>> Look forward to seeing it. Thank you.

>> If I may, just in response, one of the things dr. Spelman, that's interesting to me when you look at other cities around the country that have gotten funds in this period over the past two years, I think we're broader in scope. Most cities that have burn funds are doing something analysis to what is happening in sam rayburn. They don't have three hot spots. They don't -- the geographic region isn't quite as large. I think as you indicate we're being successful in what you're doing and we're doing more than than what a lot of the other cities are doing. It's been interesting to watch.

>> It would be a good demonstration of other cities to broaden their scope. And I guess the other burn grants are not spends as much time with neighborhood meetings, not meeting with citizens and creating the partnerships that you guys are forming. Is that accurate?

>> I think that's accurate.

>> Spelman: A good demonstration. Thanks.

>> Mayor Leffingwell: Councilmember morrison.

>> Morrison: Thank you. Just two points really. Chief, to your point about a million dollars, a million dollars is a lot of money, but I think it's very fair to count this mall dollars as an investment in the community. And you could probably

-- there is no way to count the return on investment in terms of quality of life. It's great that we got the investment from the feds, but I think we clearly have to to have it on the table for the city if that federal money is not available to be investing like this in other areas of town. R. Should it prove to be successful, which it certainly appears to be. And then I see that we have a

trustee who represents this area and I wanted to invite you up if you would comment because obviously the school district is one of the major partners in the community and especially in that community and I know she's been involved and all. So I'd love to just -- if you have any thoughts to share, anne, and also looking forward how the school district and the city are going to be partnering here on this project.

[18:44:32]

>> I very much appreciate your information to come up and thank you, council, for listening to me and I do have some thoughts to share. Just for clarification, I am place five on the restore rundberg revitalization team. I call it the triple r team now because I can't say all those words at once. And that means I represent elementary

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>> Mayor Leffingwell: It's on, but you're not quite close enough for people to hear you.

>> And I also have allergies. So I am place five on the triple r team, the restore rundberg revitalization team and I represent education, elementary, middle and high school levels. Just a few observations. And I am going to kind of update you on what's been happening because the team has been moving forward with a lot of things since the last time I believe that you had to finalize this report a little bit early. So so number one, I would encourage council to ask for a presentation from the triple r team because a.P.D.'S a great partner, great partner, but emphasis on the partner because the community is doing a lot. The neighborhood leaders. I'm doing some stuff. Michael willard, who is behind me from goodwill, the community members are doing a lot to carry this forward. But we can only do so much because we are volunteering our time. And I did put a dollar number to my time by the way. I devised a formula. I pretended like I was a consultant and I'm a cheap consultant so I'm paying myself \$100 an hour and I haven't been keeping records, but I strongly urge the triple r team to start keeping some records on their volunteer hours and their vial image and how much gas they use and how much electricity they use and how much cell phones they use because we do text a lot.

>> Morrison: Not while driving, I presume. [Laughter]

>> by my very modest conservative calculations I have already contributed \$23,700 in my time, in my resources to this effort. Okay? So I just want to put that out there. Once again I want to say I very much appreciate a.P.D.'S participation. We could not do it without them if we had not had enforcement, some hot spot policing. If we cannot had our wonderful dr's, community policing

-- I've only had three hours of sleep, I'm sorry. Community policing, critical. Critical. We've got to have it, we've got to keep it because our dr's do a great job of building relationships and that's the key. And as the chief said and everyone else said, that's the key, building relationships so that our kids are not afraid of the police, our families, many of whom are immigrants, refugees are not afraid of police. So a.P.D., Kudos for building the relationships. The walking beat that will now be permanent, perfect. But now we need a presentation from the triple r team so you get a fuller picture of what's been going on. So two new priorities have been adding, priority six affordable housing and I'm heading that work group because I've been interested in it for dwight awhile.

[18:47:43]

-- Quite awhile. We'll define what it means for the rundberg area. We'll maintain, we're going to improve and we're going to expand affordable housing if you can believe it in that area because those of you who know that area, we already have a lot of affordable housing, but it's not well maintained. We need to improve it and we could actually expand it so that we can perhaps attract

-- affordability is on a continuum. We could attract professionals like teachers, firefighters, police officers, who now live outside of town because they can't afford to live in town. So priority seven is an economic development priority that was recently added, and that's being headed by kerry roberts. So I have to emphasize that we on the team, we volunteers on the team, have taken on these priorities. And we are donating our time and our resources to carry out these priorities, that means meetings with community members, meetings with governmental officials, meetings with anybody we can find who can help us on this. Okay? So I think that really needs to be emphasized. We want this to be sustainable. We're working hard for this to be sustainable. We need your help. We need everybody's help to do this. It can't just be us in isolation. Okay? I'm look at my notes, which are really scattered. We have been working very hard can austin code which I understand it's going to be called, right? And I can't say enough good things about the cooperation we have gotten from austin code. A number of the neighborhood leaders from my neighborhood tnaca, have been working with austin code for quite awhile and they give us everything they can. They meet with us, they talk with us. Just a little snippet of information, when we last met with austin code about the problem properties and you were kind of like surprised or some of you that only eight properties were identified, well, first of all, the code officers have to manually extract all the information and we have laura pressley here who actually did

-- she and one of her work group members did the same thing code did and it took them hours to manually extract all the information they need so that they can move forward on working with, citing the problem properties. And these eight problem properties had over 200 violations. So they were at the top. They weren't in our neighborhood, but we had one that came close. It had about 100 violations. Let me tell you this, let me share this snippet of information. It was a complex in which the owner's son was cremating animals in his oven. Let that sink in. It was his fireplace, I'm sorry. Let that sink in. Okay? And so it was attracting bugs, okay? This is the owner's son. So responsibility, landlord responsibility is a key issue in this. Key issue. And working with the landlords and apartment managers, something that frank wilson has known for I think even before this project started s fabulous, but we need to keep building that relationship, the apartment managers need to feel like they'll be backed up and supported. So let me go to the back of my notes. Bear with me. There are questions about incorporating health and human services. I think

-- I work on priority two, which is the health priority. And there's not going to be a clinic, per se, built. We're going to do a needs assessment first through the auspices of the latino healthcare forum. And they're looking for all the money. All we have to do is say to frank rodriguez and jill ramirez, all we had to do was we need this. We need something like you've got together down in the montopolis area. And they said, we'll go for it. So they made it part of their hispanic latino quality of life commission request. That kind of cooperation, that kind of community

cooperation, across town, is what we need to sustain. Okay. So yes, we will eventually engage with health and human services. We will have to. But we need to identify where the gaps are in our area first. Transportation is a major gap. Getting to the community care clinic on braker lane for our residents, many of whom are tugging along little children or they're pregnant, they don't have cars, and cap metro

-- we've met with cap metro. We've had several conversations. We need vans. And expect expect has some vans. But we need community care to ask for those vans to get those people up to the community care clinic on braker. So we need a lot of coordination of small moving parts. Pard. We have engaged some. As I mentioned, the gusgarcia rec center and we need a volunteer to step up and take that on as a priority because it is listed. We have had about 15 priorities listed initially. It's listed. It's part of a priority down the way. We need more green space, all that kind of thing, but that will only come if we have a leader who is willing to lead it. And that's a volunteer. We all have other things to do, some have day jobs, some have volunteer jobs. That kind of thing. We need more volunteers. We need coordination with libraries absolutely. By the way, another little snippet of information, freedom schools. One of our priority work groups working with youth is bringing in freedom schools to the area. I encourage to you look that up. I won't go into detail, but that will require resources and I would urge the austin police department to look at perhaps funding that because I think it's a great investment in our community. It's a summer program. It's an elementary program and it works. It works. What else? By the way, part of the problem that I've noticed in listening to information is that we don't have all the information we need about what the city can offer to us. We didn't know about the roving leaders program. So we need more information. Perhaps the city could come and report to the triple r team about what are the resources out there. And this is a slow process, but it's a great process. It's really bearing fruit. I am thrilled to be part of this group and we need to keep forward. I'm old and I will eventually drop away and so -- or get senile. And so it's important that we build up our young leaders and I think we are doing that, but it's a slow process. Many moving pieces. People are can complicated, neighborhoods are complicated, so forth. I'll stop there.

[18:54:24]

>> Morrison: Thank you. I really appreciate that. And your comments demonstrate how much the community is investing at this point. A million dollars is a drop in the bucket compared to that. You do have another unpaid job serving on the trustees. I'm thinking especially with priority 3 looking at after school programs and things like that, are we partnering with them. You know, on the joint subcommittees we've been doing work trying to make sure that we're keeping in mind and understanding how we can support each other and those kind of programs. Have they been at the table as aids?

>> Yes. Right now I am pulling in any aid resource I can find. Trustee bradley, mel waxler, anybody I can find. If somebody has a question I'll find a resource for you, I'll find somebody to answer your questions. The neighborhood was very concerned about this biking program at hart because now all the

-- most of the kids except for about 150 are walking to school or biking to school. We had concerns, safety concerns, the neighborhood did, because we've got a lot of people in the area

who are not very respectful of children. Not only that, they are riding on rundberg, which is too narrow to be striped for bikes. So we are working in collaboration asuch as I can I connect people to resources and make sure that aisd is aware going on in the rundberg area because half of the schools in the area are mine and half are miss bradley. I think I for are got your question.

>> Morrison: Specifically priority three looking at the after school programs. We fund some, we have our social service contracts coming up. We've done some work on the joint subcommittees about all the programs where we sort of share interest and things like that. Hopefully we take advantage of that work going on.

>> Yes, robot tow martinez and

-- robert martinez and roberto perez are working on that priority and they are very well connected to the community and aware of city resources. They will continue to add to the portfolio. Right now we have a binder of after school and summer programs they are handing out to every complex manager they can get to so they can communicate that information to the residents. That's a really good way to communicate. So they're working on that. We will continue to work on that. There are lots of moving pieces. We have programs that we're looking at like the freedom schools and that kind of thing to bring them into the area. So yes.

[18:56:48]

>> Morrison: One other thing talking about kids and involvement. What about early childhood education? Has that been much of a topic of conversation here with such a high youth population to be able to start some of our investments really early, obviously is the best thing for your buck and a great thing.

>> No, it has not surfaced as a priority that I'm aware of. We would need a volunteer to take it on. It's absolutely something the team could help with because all of these priorities are interconnected. But we don't have a lot of bandwidth in terms of

-- because neighborhood leaders tend to be people. You know.

>> Morrison: I know.

>> If we can find someone to take that on. And it's a priority of mine. It's a priority of school districts. That's something I can pay attention to, but I can't necessarily

-- school district would be open to as they did at the allen campus, bringing in child inc. And having a program on an aisd campus is something we're already doing so I think we would be receptive to that at one of our schools. And sharing our schools for

-- with healthcare and that kind of thing. Wing he would be receptive and many other trustees would be receptive to that.

>> Morrison: If we were trying to make this a

-- the completeness and full spectrum of services needed it sounds like a natural evolution to get that involved. Maybe I'll talk with our staff to see about how we could try and insert some of that.

>> Yes. The concept is community schools and there's a nationwide organization that is connected, community schools, and I highly encourage everyone to check that o it's something that I'm really excited about. We do a little bit of did here in austin in the reagan vertical team. In the st. Johns and pickle has co-location services. I think we need to expand that and pilot in

the rundberg area.

>> Morrison: Great. Thank you, anne. Thanks to your work and to everybody.

>> Mayor Leffingwell: Mar.

>> Martinez: Just a couple of points. I appreciate the conversation that's gone on and all the folks that are involved, but two things specifically come to mind when I hear the questioning and 'the answers in the presentation. One of them is what controls are we putting in place to ensure you are that we're not just pushing some of the activity into other areas, neighboring areas of the community? When we talk about homelessness intervention, what I heard was cleaning up homeless camps and having austin resource recovery be there and code. Are we ensuring that we're not shoving it out of this area. A second component to that is when I hear something like homeless intervention, juvenile justice programming, storefront space, at some point do we envision case managers for specific families and individuals or groups to help them understand the broader picture? This looks like we're making healthy policy decisions based in good data and good input but at some point it looks like we'll need to get to a case manager level and I didn't see any of that in the presentation?

[18:59:57]

>> Do you want me to take the second part of the question?

>> At some point we will need to hire neighborhood engagement specialists that aren't case managers, but what they can do is help residents in the rundberg area access existing services through nonprofit organizations, cbo's and so on. So what we've been doing thus far is doing the best that we can and essentially piecing together access to services through existing nonprofits and other providers. We have not yet moved to a model where we have case managers that are funded on the project beyond the neighborhood engagement specialists. I think you will get to that point. At some point you can only do so much. You will need a hands on case manager to help some of the families and groups and I would certainly be supportive of that.

>> Councilmember martinez, I would like to introduce

-- actually, we have our community engagement specialist, nelson andred. And then our community engagement admin specialist april gutierrez. We just recently hired them part-time positions and they both come with different experiences. Nelson has a lot of community engagement expertise. He's also been a certified bilingual instructor in some of the schools in the area. And he also worked for next door.Com and walked in the neighborhood and met the residents. We're pleased to have both on the team. They just started next week and it's been like the fire house method of

-- fire hose method of absorbing all this information and everything we've been doing for the last year and a half. We're pleased to have them with us. On your first part of the question you had, it's really the issue of displacement versus diffusion. He said what do we do with the individuals we moved off that property? And through that question we started in priority five, that's what development priority five, a care team. And we're bringing in other social service providers that have a role in the homeless issue and prostitution prevention so we can do outreach beforehand so that we can actually have a diffusion effect and not just a displacement. We connected him with the v.A. So we could did try to get services. We had

another gentleman from kentucky who was receiving services there but couldn't get back to kentucky. How do we help them out? We're trying to bring the partnerships in and this is where michael willard has brought in

-- we have caritas, echo, austin-travis county integral care, e.M.S., Community care, goodwill. Dr. Streeter with the university of texas who is part of helping us out on this problem. We actually did

-- echo does the population homeless pulse count in january? We did another one in the area trained volunteers. 50% of the group that went out in the county were from the neighborhood. We've been able to identify more of the openlation counts and it increased 50% from what it was in january. We're going to train more volunteers from the neighborhood so in january we'll do another count. But we are watching the displacement effect and also which I promise as commander of region two I don't have just this 5.74 square miles, I'm responsible for 84 square miles and I realize that we don't want to move a problem, we want to try to really address it and get the needs and connect it, which comes to the case manager, I'm sure.

[19:04:33]

>> I do see that you have a very comprehensive wrap around, if you will, component to dealing with everything. But I have been a part of cleanups on browning drive since the late 90's, the fire department and the police department went in and cleaned it up and then we bought -- we turned the little open space drainage area at the end of browning drive into a park thinking that would creativity. That recidivism rate seems to always be there and I'm hoping that this time because of the really, quite frankly, the community involvement and engagement as opposed to us us going in and cleaning up is going to make that long-term sustainable change that's needed.

>> I really have, if I may, a point where we're having the town meetings a resident came through and she had several newspaper articles of all the efforts that we had done over the years. She was like what has really changed? And I think that was a very important point that she made. And that's with the sustainability piece, that's when anne came in. Michael, the team to really have a lasting effect, it has to come from the community and building that leadership, the connections, cross-sector partnerships. And that's what our goal is not just the million dollars and the three years that it's over, it's to lessen the impact.

>> Martinez: Thank you guys very much.

>> Cole: Any further questions? Without objection, this meeting of the austin city council is